ಕರ್ನಾಟಕ ವಿಧಾನ ಪರಿಷತ್ತು

ಚುಕ್ಕೆ ಗುರುತಿಲ್ಲದ ಪ್ರಶ್ನೆ ಸಂಖ್ಯೆ : 589

ಸದಸ್ಯರ ಹೆಸರು : ಶ್ರೀ ಸುನೀಲ್ ಗೌಡ ಬಸನಗೌಡ ಪಾಟೀಲ್ (ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಕ್ಷೇತ್ರ)

ಉತ್ತರಿಸುವ ದಿನಾಂಕ : 05-02-2021.

ಉತ್ತರಿಸುವವರು : ಮಾನ್ಯ ಗ್ರಾಮೀಣಾಭಿವೃದ್ಧಿ ಮತ್ತು ಪಂಚಾಯತ್ ರಾಜ್ ಸಚಿವರು.

ಕ್ರ.ಸಂ	ಪ್ರಶ್ನೆ	ಉತ್ತರ
(ಅ)	ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳ ಪರಿಷ್ಕೃತ ಜೇಷ್ಠತಾ ಪಟ್ಟಿಯನ್ನು ಸರ್ಕಾರ ತಯಾರು ಮಾಡಿದೆಯೇ; (ಪಟ್ಟಿಯನ್ನು ನೀಡುವುದು)	ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳ ಪರಿಷ್ಕೃತ ಜೇಷ್ಠತಾ ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸಿರುವುದಿಲ್ಲ.
(ಆ)	ಪಿ.ಡಿ.ಓಗಳ ನೇಮಕಾತಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ, ತಾತ್ಕಾಲಿಕ ಆಯ್ಕೆ ಪಟ್ಟಿ ಹಾಗೂ ಅಂತಿಮ ಆಯ್ಕೆ ಪಟ್ಟಿಯನ್ನು ಪ್ರಕಟಿಸದಿರಲು ಕರ್ನಾಟಕ ಆಡಳಿತ ನ್ಯಾಯ ಮಂಡಳಿ ಹಾಗೂ ಹೈಕೋರ್ಟ್ ತಡೆಯಾಜ್ಞೆ ನೀಡಿದೆಯೇ (ಆದೇಶದ ಪ್ರತಿಗಳನ್ನು ನೀಡುವುದು)	ಮಾನ್ಯ ಕರ್ನಾಟಕ ಆಡಳಿತ ನ್ಯಾಯ ಮಂಡಳಿಯ ಅರ್ಜಿ ಸಂಖ್ಯೆ: 1) 1433/2010, 2) 1591/2010, 3) 1613/2010, 4) 1948/2010, 5) 1934-1942/2010 6) 1433/2010, 7) 1434-35/2010 ಮತ್ತು 8) 1843/2010ರಲ್ಲಿ ಚಿಕ್ಕಮಗಳೂರು, ಚಾಮರಾಜನಗರ, ತುಮಕೂರು, ರಾಮನಗರ, ಹಾವೇರಿ, ದಾವಣಗೆರೆ, ಮಂಡ್ಯ, ಹಾಸನ, ಕೊಪ್ಪಳ, ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಮತ್ತು ಗುಲ್ಬರ್ಗ ಜಿಲ್ಲೆಗಳಲ್ಲಿ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳ ನೇಮಕಾತಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ, ತಾತ್ಕಾಲಿಕ ಆಯ್ಕೆ ಪಟ್ಟಿ ಹಾಗೂ ಅಂತಿಮ ಆಯ್ಕೆ ಪಟ್ಟಿಯನ್ನು ಪ್ರಕಟಿಸದಿರಲು ತಡೆಯಾಜ್ಞೆ ನೀಡಿರುತ್ತದೆ. ಮಾನ್ಯ ಕರ್ನಾಟಕ ಆಡಳಿತ ನ್ಯಾಯ ಮಂಡಳಿಯ ಆದೇಶದ ಪ್ರತಿಗಳನ್ನು ಆಡಳಿತ ನ್ಯಾಯ ಮಂಡಳಿಯಿಂದ ಪಡೆದು ಮಾನ್ಯ ಸದಸ್ಯರಿಗೆ ಪ್ರತ್ಯೇಕವಾಗಿ ನೀಡಲಾಗುವುದು.
(ಇ)	ಪಿ.ಡಿ.ಓ ಗಳ (ನೇರ ನೇಮಕಾತಿ) ಅಂತಿಮ ಆಯ್ಕೆ ಪಟ್ಟಿಯನ್ನು ಒಂದೇ ದಿನಾಂಕದಂದು ಪ್ರಕಟಿಸುವ ಬಗ್ಗೆ ಸರಕಾರ ತೀರ್ಮಾನಿಸಿದ ಬಗ್ಗೆ ದಾಖಲೆ ನೀಡುವುದು;	ಈ ಸಂಬಂಧವಾಗಿ ಸರ್ಕಾರದಿಂದ ತೀರ್ಮಾನ ಕೈಗೊಂಡಿರುವುದಿಲ್ಲ.
(ಈ)	ರದ್ದಾದ ಹಿಂದಿನ ವಿಸ್ತರಣಾಧಿಕಾರಿಗಳ ಸೇವಾ ಅವಧಿಯನ್ನು ಪರಿಗಣಿಸಿ ಪಿಡಿಓ ಗಳ ಜೇಷ್ಠತಾ ಪಟ್ಟಿಯಲ್ಲಿ ಮೇಲಿನ ಸ್ಥಾನ ನೀಡಲು ಅವಕಾಶ ಕಲ್ಪಿಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗಿದೆಯೇ; (ನೇಮಕಾತಿ ನಿಯಮ, ಸರ್ಕಾರ ಆದೇಶ ಅಥವಾ ಕಾಯ್ದೆ ಹಾಗೂ ನ್ಯಾಯಲಯದ ಆದೇಶಗಳ) ಇದಲ್ಲಿ, ಒದಗಿಸುವುದು)	ಹಿಂದಿನ ಪಂಚಾಯಿತಿ ವಿಸ್ತರಣಾಧಿಕಾರಿಗಳ ವೃಂದವು ರಾಜ್ಯ ವಲಯ ವೃಂದವಾಗಿತ್ತು. ಈ ವೃಂದದ ಹುದ್ದೆಗಳನ್ನು ಜಿಲ್ಲಾ ವೃಂದದ ಹುದ್ದೆಗಳಾದ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳ ವೃಂದದಲ್ಲಿ ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವಾ ನಿಯಮಗಳು, ನಿಯಮ 43 ರ ಉಪಬಂಧದನುಸಾರ ವಿಲೀನಗೊಳಿಸಲಾಗಿರುತ್ತದೆ. ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಗ್ರಾಅಪ 316 ಗ್ರಾಪಂಕಾ 2009, ದಿನಾಂಕ: 04-03-2010ರ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳ ವೃಂದ ಮತ್ತು ನೇಮಕಾತಿ ನಿಯಮಗಳ ಪ್ರತಿಯನ್ನು ಅನುಬಂಧ-1 ರಲ್ಲಿ ನೀಡಿದೆ.

(ಉ)	ಪಿಡಿಓ, ಸಹಾಯಕ ನಿರ್ದೇಶಕರು ಮತ್ತು ಕಾರ್ಯನಿವಾಹಕ ಅಧಿಕಾರಿಗಳ ಜೇಷ್ಠತಾ ಪಟ್ಟಿ ಮತ್ತು ಪದೋನ್ನತಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ, ಯಾವುದಾದರೂ ನ್ಯಾಯಾಲಯಗಳಲ್ಲಿ ಪ್ರಕರಣಗಳು ದಾಖಲಾಗಿದೆಯೇ? (ಪ್ರಕರಣಗಳ ಸಂಖ್ಯೆ ಮತ್ತು ದಾಖಲೆಗಳ ಸಹಿತಿ ಮಾಹಿತಿ ನೀಡುವುದು)	ಮಾನ್ಯ ಕರ್ನಾಟಕ ಆಡಳಿತ ನ್ಯಾಯ ಮಂಡಳಿಯು ಅರ್ಜಿ ಸಂಖ್ಯೆ: 2782-2792 / 2014 ಮತ್ತು ಇತರೆ ಅರ್ಜಿಗಳಲ್ಲಿ ಪಂಚಾಯಿತಿ ಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳ ರಾಜ್ಯ ಮಟ್ಟದ ಜೇಷ್ಠತಾ ಪಟ್ಟಿಯನ್ನು ರದ್ದುಗೊಳಿಸಿ ದಿನಾಂಕ: 18.03.2019 ರಲ್ಲಿ ಆದೇಶಿಸಿದೆ. ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ವೃಂದದಿಂದ ಸಹಾಯಕ ನಿರ್ದೇಶಕ (ಗ್ರಾ.ಉ) ಹುದ್ದೆಗೆ ಮುಂಬಡ್ತಿ ನೀಡುವ ಸಂಬಂಧ ದಾಖಲಾಗಿದ್ದ ಅರ್ಜಿಗಳು/ಬಾಕಿ ಇರುವ ಅರ್ಜಿಗಳ ವಿವರ ಈ ಕೆಳಕಂಡಂತಿದೆ.

ಮುಕ್ತಾಯಗೊಂಡ ಪ್ರಕರಣಗಳು	ಚಾಲ್ತಿಯಲ್ಲಿರುವ ಪ್ರಕರಣಗಳು
1. ಕೆ.ಎ.ಟಿ ಅರ್ಜಿ ಸಂಖ್ಯೆ:7157/2017 - ಶ್ರೀ ಉಮೇಶ್ ವಿರುದ್ಧ ರಾಜ್ಯ. 2. ಕೆ.ಎ.ಟಿ ಅರ್ಜಿ ಸಂಖ್ಯೆ:3015/2019 - ಶ್ರೀ ಯು.ಹೆಚ್. ಸೋಮಶೇಖರ ವಿರುದ್ಧ ರಾಜ್ಯ. 3. ಕೆ.ಎ.ಟಿ ಅರ್ಜಿ ಸಂಖ್ಯೆ:1785/2019 - ಶ್ರೀ ಎಸ್.ಎಂ. ಕುಮಾರ ವಿರುದ್ಧ ರಾಜ್ಯ. 4. ಕೆ.ಎ.ಟಿ ಅರ್ಜಿ ಸಂಖ್ಯೆ:5692/ 2019- ಶ್ರೀ ದತ್ತಾತ್ರೇಯ ವಿರುದ್ಧ ರಾಜ್ಯ.	ಕೆ.ಎ.ಟಿ ನಿಂದನಾ ಅ.ಸಂ.609/2020, ಶ್ರೀ ಎನ್.ಎಂ.ಕುಮಾರ ವಿರುದ್ಧ ರಾಜ್ಯ.

ನ್ಯಾಯಾಲಯದ ಆದೇಶದ ಪ್ರತಿಗಳು, ನಿಂದನಾ ಅರ್ಜಿಯ ಪ್ರತಿಗಳನ್ನು ಅನುಬಂಧ-2ರಲ್ಲಿ ನೀಡಿದೆ.

ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ ವೃಂದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಯಾವುದೇ ನ್ಯಾಯಾಲಯ ಪ್ರಕರಣಗಳು ಬಾಕಿ ಇರುವುದಿಲ್ಲ.

ಸಂ. ಗ್ರಾಅಪ 62 ಗ್ರಾಪಂಅ 2021

(ಕೆ.ಎಸ್. ಈಶ್ವರಪ್ಪ)
ಗ್ರಾಮೀಣಾಭಿವೃದ್ಧಿ ಮತ್ತು ಪಂ.ರಾಜ್ ಸಚಿವರು.

ಕೆ.ಎಸ್. ಈಶ್ವರಪ್ಪ
ಗ್ರಾಮೀಣಾಭಿವೃದ್ಧಿ ಮತ್ತು
ಪಂಚಾಯತ್ ರಾಜ್ ಸಚಿವರು

ವಿಧಾನ ಪರಿಷತ್ತಿನ ಚುಕ್ಕೆ ಗುರುತಿಲ್ಲದ ಪ್ರಶ್ನೆ ಸಂಖ್ಯೆ: 589 ಕ್ಕೆ

ಅನುಬಂಧ - 1

[illegible]

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ವಿಶೇಷ ಪತ್ರಿಕೆ

ಭಾಗ - IV-A | ಬೆಂಗಳೂರು, ಶನಿವಾರ, ಮಾರ್ಚ್ ೬, ೨೦೧೦ (ಫಾಲ್ಗುಣ ೧೫, ಶಕ ವರ್ಷ ೧೯೩೧) | ನಂ. [illegible]

ಗ್ರಾಮೀಣಾಭಿವೃದ್ಧಿ ಮತ್ತು ಪಂಚಾಯತ್ ರಾಜ್ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಗ್ರಾಅಪ 31 ಗ್ರಾಪಂಕಾ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 4ನೇ ಮಾರ್ಚ್, 2010

[illegible]

[illegible]

[illegible]

[illegible]

ನಿಯಮಗಳು

1. [illegible] 2009 [illegible]

(2) [illegible]

2. ಅನುಸೂಚಿಯ ತಿದ್ದುಪಡಿ:- ಕರ್ನಾಟಕ ಸಾಮಾನ್ಯ ಸೇವೆ (ಅಭಿವೃದ್ಧಿ ಶಾಖೆ ಮತ್ತು ಸ್ಥಳೀಯ ಸರ್ಕಾರ ಶಾಖೆ) (ನೇಮಕಾತಿ) (ತಿದ್ದುಪಡಿ) ನಿಯಮಗಳು, 1962 ರ ಅನುಸೂಚಿಯಲ್ಲಿ, ಕ್ರಮ ಸಂಖ್ಯೆ 9 ರಲ್ಲಿ "ವಿಸ್ತರಣಾಧಿಕಾರಿ (ಪಂಚಾಯಿತಿ)" ವೃಂದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ನಮೂದುಗಳಲ್ಲಿ ಮತ್ತು ಕಲಂ (1), (2) ಮತ್ತು (3) ರಲ್ಲಿನ ನಮೂದುಗಳಿಗೆ ಬದಲಾಗಿ ಈ ಕೆಳಗಿನವುಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.-

ಕ್ರಮ ಸಂಖ್ಯೆ	ಹುದ್ದೆಯ ಪ್ರವರ್ಗ ಮತ್ತು ವೇತನ ಶ್ರೇಣಿ	ಹುದ್ದೆಗಳ ಸಂಖ್ಯೆ	ನೇಮಕಾತಿ ವಿಧಾನ	ಕನಿಷ್ಠ ಅರ್ಹತೆ
1	ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ (10000-18150)	ಶಾಶ್ವತ - 5628 ತಾತ್ಕಾಲಿಕ ---	ಶೇಕಡಾ ಅರವತ್ತೇಳರಷ್ಟು ಹುದ್ದೆಗಳು ಕರ್ನಾಟಕ ಸಾಮಾನ್ಯ ಸೇವೆ (ಅಭಿವೃದ್ಧಿ ಶಾಖೆ ಮತ್ತು ಸ್ಥಳೀಯ ಸರ್ಕಾರ ಶಾಖೆ) ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳ ನೇಮಕಾತಿ (ವಿಶೇಷ) (ನೇಮಕಾತಿ) ನಿಯಮಗಳು, 2009 ರನ್ವಯ ನೇರ ನೇಮಕಾತಿ ಮೂಲಕ. ಶೇಕಡಾ ಮೂವತ್ತ ಮೂರರಷ್ಟು ಹುದ್ದೆಗಳು i) ವಿಸ್ತರಣಾಧಿಕಾರಿ (ಪಂಚಾಯಿತಿ) ಹುದ್ದೆಗಳನ್ನು ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮ 43 ರ ಪ್ರಕಾರ ಒಂದು ಬಾರಿಯ ಕ್ರಮವಾಗಿ ಬಡ್ತಿ ಕೋಟಾದ ಎದುರಿಗೆ ವಿಲೀನಗೊಳಿಸುವ ಮೂಲಕ, ಅಂತಹ ಸಂದರ್ಭದಲ್ಲಿ ವಿಸ್ತರಣಾಧಿಕಾರಿ (ಪಂಚಾಯಿತಿ) ವೃಂದ ರದ್ದುಗೊಳ್ಳತಕ್ಕದ್ದು; ಮತ್ತು ii) ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ಕಾರ್ಯದರ್ಶಿ ಹಾಗೂ ಗ್ರಾಮೀಣ ಅಭಿವೃದ್ಧಿ ಸಹಾಯಕ (ಗ್ರೇಡ್-I) ವೃಂದದಿಂದ ಬಡ್ತಿ ಮೂಲಕ.	ನೇರ ನೇಮಕಾತಿಗಾಗಿ.- ಕಾನೂನಿನನ್ವಯ ಸ್ಥಾಪಿಸಲಾದ ಅಂಗೀಕೃತ ವಿಶ್ವವಿದ್ಯಾಲಯದಿಂದ ಬ್ಯಾಚುಲರ್ ಪದವಿ ಅಥವಾ ತತ್ಸಮಾನ ವಿದ್ಯಾರ್ಹತೆ ಹೊಂದಿರಬೇಕು. ಬಡ್ತಿಗಾಗಿ.- ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ಕಾರ್ಯದರ್ಶಿ ಮತ್ತು ಗ್ರಾಮೀಣ ಅಭಿವೃದ್ಧಿ ಸಹಾಯಕ (ಗ್ರೇಡ್-I) ವೃಂದದಲ್ಲಿ 5 ವರ್ಷಗಳಿಗೆ ಕಡಿಮೆ ಇಲ್ಲದಂತೆ ಸೇವೆ ಸಲ್ಲಿಸಿರಬೇಕು. ಪರಂತು 5 ವರ್ಷಗಳಿಗೆ ಕಡಿಮೆ ಇಲ್ಲದಂತೆ ಸೇವೆ ಸಲ್ಲಿಸಿರುವ ನೌಕರರು ಲಭ್ಯವಿಲ್ಲದಿದ್ದ ಪಕ್ಷದಲ್ಲಿ 3 ವರ್ಷಕ್ಕಿಂತ ಕಡಿಮೆ ಇಲ್ಲದಂತೆ ಸೇವೆ ಸಲ್ಲಿಸಿರುವ ನೌಕರರನ್ನು ಪರಿಗಣಿಸಬಹುದು.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಸ್ವರ್ಣಲತ ಎಂ.ಭಂಡಾರೆ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ

ಗ್ರಾಮೀಣಾಭಿವೃದ್ಧಿ ಮತ್ತು ಪಂ.ರಾಜ್ ಇಲಾಖೆ

RURAL DEVELOPMENT & PANCHAYAT RAJ SECRETARIAT

NOTIFICATION

No: RDP 316 GPK 2009, Bangalore, Dated: 04-03-2010.

Whereas the draft of the Karnataka General Service (Development Branch and Local Government Branch) (Recruitment) (Amendment) Rules, 2009, to amend the Karnataka General Service (Development Branch and Local Government Branch) (Recruitment) Rules, 1962 was published as required by clause (a) of sub-section (2) of section 3 read with section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990) in Notification No. RDP 316 GPK 2009, dated 19-11-2009 and Part IV-A of the Karnataka Gazette Extraordinary dated 20.11.2009 inviting objection and suggestions from all persons likely to be affected thereby within fifteen days from the date of publication of the draft in the official Gazette.

Whereas the said Gazette was made available to the public on 20th November 2009.

And whereas the suggestions and objections received have been considered by the State Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 read with section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990) the Government of Karnataka hereby makes the following rules, namely:-

RULES

1. Title and commencement: (1) These rules may be called the Karnataka General Service (Development Branch and Local Government Branch) (Recruitment) (Amendment) Rules, 2009.

(2) They shall come into force from the date of publication in the Official Gazette.

2. Amendment of the Schedule: In the Schedule to the Karnataka General Service (Development Branch and Local Government Branch) (Recruitment) Rules, 1962, at Serial No.9 in the entries relating to the cadre of "Extension Officers" (Panchayath)" and the entries relating there to, in column (1), (2) and (3) the following shall be substituted namely.-

Sl. No	Category of Post and scale of pay	*No. of posts*	Method of Recruitment	Minimum Qualification
1	2	3	4	5
1	Panchayath Development Officer (Rs.10000-18150)	Permanent-5628 Temporary-----	Sixty seven percent by Direct recruitment in accordance with the Karnataka General Service (Development Branch and Local Government Branch) Recruitment of Panchayath Development Officers (Special) (Recruitment) Rules, 2009.	***For Direct Recruitment.-*** Must be holder of a Bachelor's Degree or equivalent of a recognized University established by law.

Sl. No	Category of Post and scale of pay	No. of posts	Method of Recruitment	Minimum Qualification
1	2	3	4	5
			Thirty three percent by i) Merger of the posts of Extension Officers (Panchayath) against promotional quota under Rule 43 of KCSRs as a one time measure, in which case the cadre of Extension Officers (Panchayath) shall stand abolished; and ii) promotion from the cadre of Grama Panchayat Secretaries and Rural Development Assistant (Grade-1)	***For Promotion.-*** Must have put in a service of not less than five years in the cadre of Grama Panchayat Secretaries and Rural Development Assistant (Grade-1) Provided that if persons who have put in a service of not less than five years are not available, persons who have put in a service of not less than three years may be considered.

By Order and in the name of Governor of Karnataka.

Swarnalatha M. Bhandare
Under Secretary to Government,
Rural Development & Panchayat Raj Department

ಪ್ರಾನ ಮಾಹಿತ್ತಿನ ಪ್ರತ್ಯೆ ಗುರುತಿಲ್ಲರ ಪ್ರತ್ಯ ಸಂಖ್ಯೆ 589 ಕ್ಕೆ ಅನುಬಂಧ-2

CR No 24/19
1723052
27/9/19
(19)

IN THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL
AT KALABURAGI

DATED: THIS THE 27th DAY OF SEPTEMBER, 2019

BEFORE

HON'BLE Mr. JUSTICE BUDIHAL. R.B. .. JUDICIAL MEMBER

APPLICATION No. 7157 OF 2017

BETWEEN:



Sri Umesh,
Aged about 36 years,
S/o Sri Sharanappa,
Working as Panchayat
Development Officer,
Byagawat Grama Panchayat,
Manvi Taluk, Raichur District,
Residing at No.113,
Opp. Gnana Ganga School,
Bengaluru By-pass Road,
Lingasugur, Raichur District. ... APPLICANT

(Sri Girish S. Jambagi, Advocate)

AND :

1. The State of Karnataka,
Represented by its
Principal Secretary,
Department of Rural Development &
Panchayat Raj,
M.S. Building,
Bengaluru – 560 001.

2. The Chief Executive Officer,
Zilla Panchayat,
Raichur District,
Raichur – 584 101.

3. Sri Chandrashekar Pawar,
Major, Working as
Assistant Director,
(Rural Employment),
Taluk Panchayat,
Surapura Taluk,
Yadagiri District – 585 201.

4. Sri Basavaraj Veeranna,
Major, Working as
Assistant Director,
(Rural Employment)
Taluk Panchayat,
Sedam Taluk,
Kalaburagi District – 585 101. ... RESPONDENTS

(Smt. Arati Patil, Govt. Pleader for R1, and
R2 to R4 are served and unrepresented)

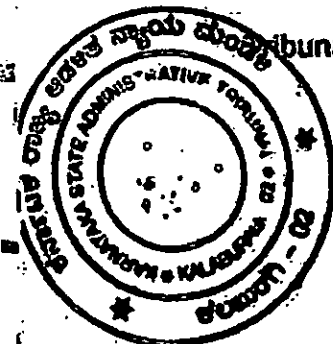
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This Application is filed under Section 19 of the Administrative Tribunals Act. 1985, praying to issue a writ of mandamus or any other appropriate writ or order or direction, directing the 1st Respondent to consider the representation dated 19.5.2017 vide Annexure-A7 and to grant promotion to the applicant to the cadre of Assistant Director (Rural Employment) w.e.f. 03.9.2015 i.e., from the date on which 3rd and 4th Respondents, i.e., the juniors to the applicant were promoted and to re-fix his pay, seniority and other benefits etc.

This Application coming on for Preliminary Hearing, this day, **Mr. JUSTICE BUDIHAL. R.B., HON'BLE JUDICIAL MEMBER** made the following;

ORDER

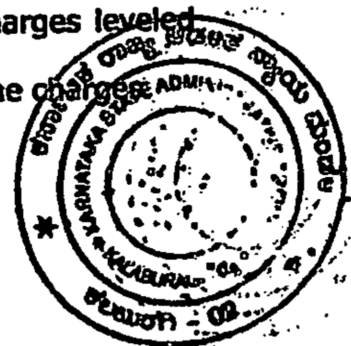
This is the application filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying this Tribunal to issue writ of mandamus directing the Respondent





Authorities to consider the representation of the applicant dated 19.5.2017 vide Annexure-A7 for grant of promotion to the applicant for the post of Assistant Director (Rural Employment) w.e.f. from 03.9.2015, i.e., from the date on which the 3rd and 4th Respondents, who are the juniors to the applicant were promoted to the cadre of Assistant Directors (Rural Employment).

3. Brief facts of the case as pleaded in the application are that on 05.4.2010, applicant joined service as Panchayat Development Officer in the Department of Rural Development and Panchayat Raj in Hyderabad-Karnataka region. While the applicant was working as Panchayat Development Officer at Gabburu Grama Panchayat, Devadurga Taluk, Raichur District, vide order dated 21.10.2014 issued by the 2nd Respondent, applicant was placed under suspension for certain irregularities while implementing the scheme under 'Swach Bharath' in Gabburu village and thereafter, he has been reinstated into service. Facts also goes to show that vide order dated 05.5.2016, the 2nd Respondent revoked the order of suspension and reinstated the applicant into service and also considering report of the Enquiry Officer who held that the charges leveled as against the applicant, he was exonerated from the charges.



4. Similarly in another case, while the applicant was working as Panchayat Development Officer at Pamanakalluru Grama Panchayat, Manvi Taluk, Raichur District, vide order dated 11.02.2016, he was again kept under suspension by the 2nd Respondent on the ground that while he was working as PDO at Gabburu Grama Panchayat, certain irregularities committed by him. Based on the said charges, Articles of charge dated 25.2.2016 was issued to the applicant and thereafter vide order dated 02.3.2016, he was reinstated into service by revoking the said suspension order dated 11.02.2016 and even in this, the Enquiry Officer conducted a detailed enquiry and submitted the report dated 03.4.2017 holding that the charges levelled against the applicant are not been proved. Considering this enquiry report, the 2nd Respondent exonerated the applicant from all the charges.

5. In the meanwhile, further it is the case of the applicant that two of the juniors to the applicant, i.e., Respondent Nos.3 & 4 herein, were given promotion to the cadre of Assistant Directors (Rural Employment) on 03.9.2015, who were placed in Sl.No.381 and 397 respectively in the gradation list of PDOs



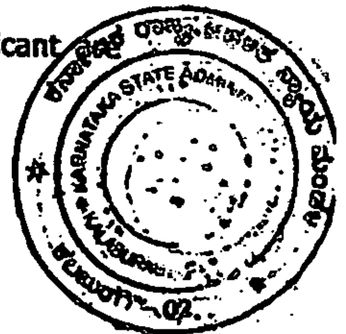
published as on 31.12.2011, whereas the applicant was at Sl.No.369 in the same gradation list.

6. In spite of the exoneration of the applicant in the above two enquiries, the Respondent Authorities have not considered the promotional aspects of the applicant. Hence, being aggrieved by the inaction on part of the Respondent Authorities, he has approached this Tribunal seeking writ of mandamus as against the Respondent Authorities at Sl.Nos.1 & 2.

7. Heard the arguments of the learned counsel for the applicant, so also the arguments of the learned Government Pleader for Respondent No.1.

8. I have perused the averments made in the application, the documents produced by the applicant under Annexures-A1 to A7 along with the application. I have also considered the oral submissions made by the learned counsel for the applicant so also the learned Government Pleader for Respondent No.1.

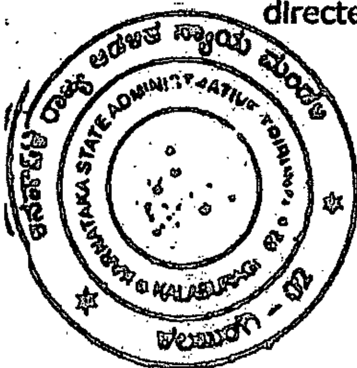
9. Perusing the materials, it is an admitted fact that though two enquiries were initiated as against the applicant herein one after another, the Enquiry Officers submitted the report holding that the charges which were levelled against the applicant



not proved. Hence, basing on the said enquiry reports, the Disciplinary Authority accepted the findings of the Enquiry Officers and exonerated the applicant from all the charges levelled against him in respect of both the enquiries.

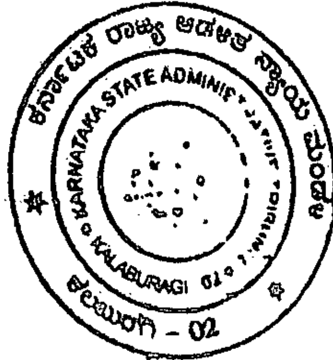
10. Therefore, it is the contention of the applicant that when the 3rd and 4th respondents, who were juniors to the applicant in the cadre of Panchayat Development Officers, having already considered for promotion as Assistant Directors (Rural Employment), but the case of the applicant was not at all considered for the same in spite of the request made by the applicant in this regard. Therefore, looking to the materials, the applicant has made out the case.

11. Accordingly, the application is allowed. The Respondent No.1 Authority-the Government, is hereby directed to consider the representation, which is submitted by the applicant on 19.5.2017, produced as per Annexure-A7 in the present application for considering his case for promotion from the date on which the Respondent Nos.3 & 4, his juniors were given promotion i.e., from 03.9.2015 as Assistant Directors (Rural Employment). Respondent No.1 Authority-the Government is directed to take decision in the matter in accordance with law,



expeditiously, but not later than four months from the date of receipt of copy of this order.

Sd/-
MEMBER(J)



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4/10
Copying Superintendent
Karnataka State Administrative Tribunal
KALABURAGI - 02

sks

COPY APPLIED ON.... 27/9/19
C.F. PRODUCED ON.... 27/9/19
COPY READY ON.... 4/10/19
COPY DELIVERED ON.... 5/10/19

IN THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL

at BELAGAVI

DATED: THIS THE 23rd DAY OF JANUARY 2020

BEFORE

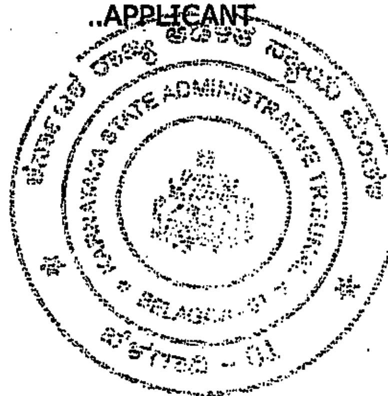
HON'BLE Mr.T.NARAYANASWAMY ..JUDICIAL MEMBER

APPLICATION No.3015 of 2019

Sri U.H. Somashekar,
aged about 37 ~~months~~, years
S/o Sri Holeyappa,
Assistant Director (Rural Employment), Taluk Panchayath,
Hoovinahadagali &
Additional charge of Executive Officer,
Taluk Panchayath,
Huvinahadagali-583219,
Ballari District.

..APPLICANT

(By Sri Vidyanand Arali, Advocate, for Sri S.V.Narasimhan, Advocate)



Versus:

1. The State of Karnataka,
rep. by its Principal Secretary,
Rural Development & Panchayat Raj Department, M.S.Building,
Dr. Ambedkar Veedhi,
Bengaluru-560001.

2. The Chief Executive Officer,
Zilla Panchayath,
Ballari-583101.

..RESPONDENTS

(Sri Anthony R. Rodrigues, Addl. Govt. Advocate, for R-1; Respondent No.2; Served & unrepresented)

This Application is filed under Section 19 of the Administrative Tribunals Act, 1985, with a prayer to quash the OM dated 3.5.2019 (Ann-A13), etc.

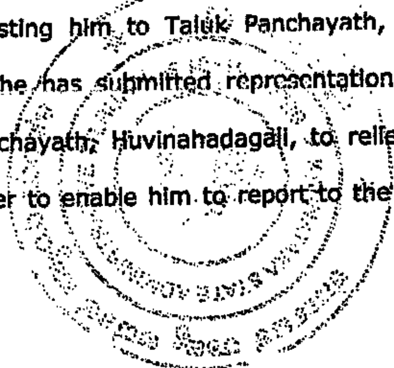
This Application, coming on for hearing, this day, the **Hon'ble Judicial Member Sri T.Narayanaswamy** made the following:

ORDER

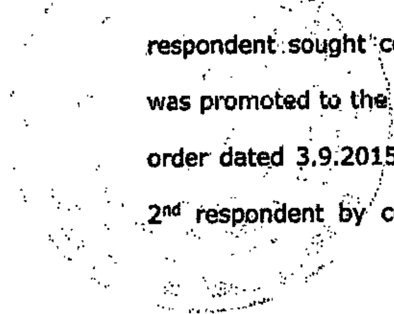
Applicant, who is in the cadre of Assistant Director (Rural Employment), Taluk Panchayath, Huvinahadagali and in additional charge of the post of Executive Officer, Taluk Panchayath, Huvinahadagali, is before this Tribunal, challenging the order dated 3.5.2019 (Annexure-A13) by which the 1st respondent has withdrawn the order dated 3.9.2015 by which he was promoted to the cadre of Assistant Director (Rural Employment).

2. The case of the applicant is that he is a direct recruit appointed to the post of Panchayat Development Officer and he joined as such on 5.4.2010, his probationary period was declared satisfactorily by Notification dated 24/30.10.2013 (Annexure-A1). When things stood thus, pursuant to the amendment to the Constitution of India by incorporating Article 371-J and formation of Hyderabad-Karnataka area, a Notification dated 31.10.2014 (Annexure-A2) is issued calling for options from the persons who are from that area to consider as

local cadre persons. Accordingly, he submitted his willingness to consider him under local cadre as he belongs to that area, thereafter, on considering the details has finalised and published the seniority list of Panchayat Development Officers and in the list name of the applicant is found at Sl.No.10. Subsequently, by communication dated 1.4.2015, the 1st respondent called for details relating to the candidates who were eligible to be considered for promotion to the cadre of Assistant Director (Rural Employment) in the pay scale of Rs.22800-43200, accordingly, the Executive Officer, Taluk Panchayath, Huvinahadagali by communication dated 10.4.2015 (Annexure-A3) has forwarded the information providing the information indicating that his probationary period was declared as successful, he has passed all the departmental examinations and there are no disciplinary proceedings or adverse remarks against him and also forwarded the confidential reports for the years 2010-11 to 2014-15 for such consideration. The 1st respondent, on considering the same, has issued the Notification dated 3.9.2015 (Annexure-A4), in which name of the applicant is at Sl.No.16, thereby, promoting him to the post of Assistant Director (Rural Employment) and posting him to Taluk Panchayath, Huvina Hadagali, pursuant to that, he has submitted representation to the Executive Officer, Taluk Panchayath, Huvinahadagali, to relieve him from the post of PDO in order to enable him to report to the post of



Assistant Director (Rural Employment), pursuant to the same, the Executive Officer, Taluk Panchayath, Huvina Hadagali, by order dated 5.9.2015 (Annexure-A6) directed to hand over charge of the post of PDO, Grama Panchayath, Kuruvathi to Sri T. Nagaraja, Secretary of the said Grama Panchayath and relieved him. Subsequently, the applicant reported to the post of Assistant Director (Rural Employment) in Taluk Panchayath, Huvinahadagali on 7.9.2015 and requested to accept his duty report in the post of Assistant Director (Rural Employment). The Taluk Panchayath, thereafter, accepted his duty report in the post of Assistant Director (Rural Employment). Subsequently, while he was discharging his duties in the post of Assistant Director (Rural Employment), the 2nd respondent has issued an order dated 31.5.2017 (Annexure-A8) placing the applicant in additional charge of the post of Executive Officer, Taluk Panchayath, Hadagali, in place of one Sri K.Krishnamurthy, who retired on 31.5.2017. Pursuant to the same, the applicant has taken additional charge of the post of Executive Officer, Taluk Panchayath, on 31.5.2017 as per CTC (Annexure-A9). When facts stood thus, the 1st respondent sought certain information relating to the applicant who was promoted to the post of Assistant Director (Rural Employment) by order dated 3.9.2015 in the name of the applicant at Sl.No.16. The 2nd respondent by communication dated 11.9.2017 (Annexure-A10)



has forwarded the details of the candidates including the applicant in which it is clearly mentioned that there was no disciplinary proceedings or criminal case pending against the applicant. Subsequently, the Executive Officer has also forwarded the information by communication dated 14.9.2017 to the 2nd respondent, in which details relating to date of appointment, promotion and duty report, all those details have been forwarded and also enclosing the certificate dated 14.9.2018 declaring that there was no disciplinary or judicial proceedings pending against the applicant. That being the fact, to the surprise of the applicant, order dated 3.5.2019 (Annexure-A13) came to be issued by the 1st respondent, withdrawing the order dated 3.9.2015 (Annexure-A4) by which the applicant was promoted to the cadre of Assistant Director (Rural Employment) and that order is challenged by him in the present application, urging that though he is eligible and on considering all the aspects, he was promoted to the said cadre, all of a sudden, without notice, such an order is passed and the same is not permissible and also urging that it is in violation of principles of natural justice, thereby, he states that though he is working in the higher post, while discharging the duties of the post of Assistant Director (Rural Employment) from 3.9.2015, he was also placed in additional charge of the post of Executive Officer, Taluk Panchayath, Hadagali. When facts stood thus, the action of the 1st

respondent, without notice to him, unilaterally withdrawing the promotion given to the post of Assistant Director (Rural Employment) by order dated 3.5.2019 (Annexure-A13), which is in violation of principles of natural justice and contrary to law laid down by the Hon'ble Apex Court and also the Hon'ble High Court as well as this Tribunal.

2. Learned AGA opposes the application, stating that against the applicant a complaint has been received to the effect that he being a person belonging to a residual cadre and he was considered for promotion by considering him under local cadre, thereafter, on obtaining the information and also the report from the 2nd respondent, the Government has passed the order and before passing such an order, notice has been issued to the applicant, but he has not replied, thereby, the Government has no other alternative but to pass such an order withdrawing the earlier order dated 3.9.2015 promoting him to the post of Assistant Director (Rural Employment) and further states that since the applicant's case is considered for promotion by considering him as a local cadre person though he is not a local cadre person and the said action is justified. Hence, he requests to dismiss the application.

3. After hearing the parties, perused the pleadings and records. From the records, it is clear that the applicant is eligible to be considered for promotion to the cadre of Assistant Director (Rural Employment), accordingly, after obtaining the details relating to the status and also the eligibility and also verifying with reference to service records and considering the annual performance report, he was promoted to the cadre of Assistant Director (Rural Employment) by order dated 3.9.2015 (Annexure-A4), earlier to that, immediately after coming into formation of Hyderabad-Karnataka area and providing reservation to Hyderabad-Karnataka Region, a Notification dated 31.10.2014 is issued, publishing the final seniority list, after calling for details relating to the candidates who have opted for local cadre and after due consideration has finalized the seniority list, in that name of the applicant is found at Sl.No.10. It is the case of the applicant that for the purpose of such consideration, the Chief Executive Officer, Zilla Panchayath, Bellary District, has verified the records and included his name in the final seniority list of the local cadre candidates, by a Notification dated 31.10.2014 (Annexure-A2) by noting that he is a direct recruit, he is working in the cadre of PDO from 2010 onwards, that being the fact, as per the Notification dated 31.10.2014 it is declared by the competent authority that he is a person belonging to local cadre, that being the fact, without cancellation or modifying that

seniority by issuing notice declared him as a non-local cadre is impermissible. Added to that, after promotion to the cadre of Assistant Director (Rural Employment) by order dated 3.9.2015, all along he worked for nearly four years. Though there were many communications between the authorities with regard to verification relating to all the candidates including the applicant, on that occasion also, there was no notice issued to the applicant. That being the fact, any order passed including the order dated 3.5.2019 issued by the 1st respondent, without notice to the applicant, is opposed to the principles of natural justice and the same is required to be considered as contrary to Articles 14 & 16 of the Constitution. In this regard, it is necessary to refer to the judgment rendered by the Hon'ble Apex Court in the case of **National Central Co-operative Bank Ltd., Vs. Ajay Kumar & others (AIR 1994 SC 39)**, para-5 of the said decision is as hereunder:

> "5. It is well settled that no adverse orders can be passed against a party without giving an opportunity to place its case."

4. From the decision rendered by the Hon'ble Apex Court, it is clear that no adverse orders can be passed against a party without giving opportunity. In the present case, though the applicant was promoted by order dated 3.9.2015 as per Annexure-A4, all of a sudden, by order

dated 3.5.2019 the order dated 3.9.2015 is withdrawn, thereby, reverting the applicant to the cadre of PDO. It involves serious civil consequences, thereby before taking action, the employee should be given opportunity and the same is applicable to administrative bodies also as held by the Hon'ble Apex Court in the case of **State of Orissa Vs. Dr.(Miss) Binapani Devi & others (AIR 1967 SC 1269)** at para-9 held as hereunder:

> "9. ....
>
> An order by the State to the prejudice of a person in derogation of his vested rights may be made only in accordance with the basic rules of justice and fairplay. The deciding authority, it is true, is not in the position of a Judge called upon to decide an action between contesting parties, and strict compliance with the forms of judicial procedure may not be insisted upon. He is however under a duty to give the person against whom an enquiry is held an opportunity to set up his version or defence and an opportunity to correct or to controvert any evidence in the possession of the authority which is sought to be relied upon to his prejudice. For that purpose the person against whom an enquiry is held must be informed of the case he is called upon to meet, and the evidence in support thereof. The rule that a party to whose prejudice an order is intended to be passed is entitled to a hearing applies alike to judicial tribunals and bodies of persons invested with authority to adjudicate upon matters involving civil consequences. It is one of the fundamental rules of our constitutional set-up that every citizen is protected against exercise of arbitrary authority by the State or its officers. Duty to act judicially would therefore arise from the very nature of the function intended to be performed: it need not be shown to be super-added. If there is power to decide and determine to the prejudice of a person, duty to act judicially is implicit in the exercise of such power. If the essentials of justice be ignored and an order to the prejudice of a person is made, the order is a nullity. That is a basic concept of the rule of law and importance thereof transcends the significance of a decision in any particular case."

From the said principle, it is clear that the order passed without providing opportunity is a nullity, thereby such action is contrary to law. From the order, it is clear that there is no indication that, such a procedure is follows, any communication whatsoever with regard to issuance of notice and following the procedure contemplated under law and compliance of the principles of natural justice is followed, thereby, it is required to be construed that there is no procedure followed. Hence, the applicant is entitled to succeed in this application. In the absence of providing opportunity to the applicant, the order passed by the 1st respondent will be a nullity. Hence, the following order is passed:

ORDER

(i) Application is allowed and the order bearing No.ಗ್ರಾಅ;/41/ಕೆಎಸ್‌ಎಸ್/2016 dated 3.5.2019

(Annexure-A13) passed by the 1st respondent is set aside.

(ii) If the authorities feel that action is required to be taken, it is open for them to take such action, in accordance with law.

Sd/
MEMBER (J)

TRUE COPY

22/5/2020
Copying Superintendent
Karnataka State Administrative Tribunal
BELAGAVI - 01

Crb*

CR 705

23.06.2020

IN THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BENGALURU

DATED THIS THE 10th DAY OF JUNE 2020

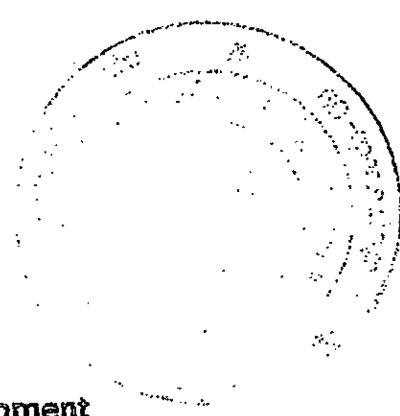
BEFORE

HON'BLE Mr. JUSTICE BUDIHAL. R.B. .. JUDICIAL MEMBER

APPLICATION NUMER 1785 OF 2019

Sri N.M.Kumar,
S/o Narayana Rao,
Aged 40 years,
Occ: Panchayath Development Officer,
O/o Mullahalli Gram Panchayath,
Kanakapura Taluk,
~~Ramanagara District-562159.~~
R/at Mullahalli Village and Post,
Uyamballi Hobli,
Kanakapura Taluk,
Ramanagara District-562 159. .... Applicant

(By Sri M.Babu Rao, Adv.)



- Versus -

1. The State of Karnataka,
rep. by its Secretary,
Department of Rural Development
and Panchayath Raj,
M.S.Building,
Bengaluru-560 001.

2. Chief Executive Officer,
Zilla Panchayath,
Ramanagara Distict,
Ramanagara-562 159.

3. Sri Chandru,
S/o Mudaveeraiah,
Aged about 50 years,
Occupation: Assistant Director,
O/o Magadi,
Taluka Panchayath
Executive Office,
Ramanagara District-562159.

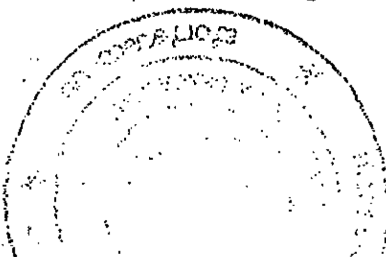
4. Sri Siva Rajaiah,
S/o Narashimaiah,
Aged about 49 years,
Occupation: Executive Officer,
O/o Kunigal Taluka Panchayath,
Tumkur District-572 105. .. Respondents

(By G.Ramesh Naik, Govt. Pleader for Respts-1,
Sri B.J.Somayaji, Adv.for R-2,
Respts-3 & 4 - Svd;unreptd.)

***

This application is filed under Section 19 of the Administrative Tribunals Act, 1985, praying to direct the respondents -1 and 2 to give regular promotion to the applicant to the post of Assistant Director and Executive Officer with effect from 20.05.2014 by considering the representation dated 04.05.2017 as per Annexure-A13 as given to the juniors (respondents-3 & 4) from 20.05.2014 and 28.02.2014 with all consequential benefits, etc.

This application coming on for Preliminary Hearing, this day, Mr. JUSTICE BUDIHAL R.B., HON'BLE JUDICIAL MEMBER, made the following:

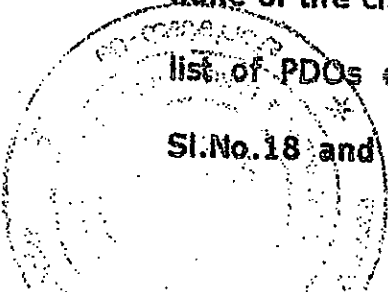


ORDER

This is the application filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying this Tribunal to issue writ of mandamus or order or direction, directing the respondents-1 and 2 to give regular promotion to the post of Executive Officer/Assistant Director with effect from 20.05.2014 by considering the representation submitted by the applicant dated 04.05.2017 as per Annexure-A13 as respondents-3 and 4 who are juniors to the applicant have already been given promotion with effect from 20.5.2014 and 28.02.2014.

2. The brief facts as stated by the applicant in the application that the applicant and respondents-3 and 4 were appointed on 05.04.1998, 11.07.1998 and 11.07.1998 respectively as Grama Panchayath Secretaries Grade-2 in the office of the respondents-1 & 2. Applicant was appointed on compassionate ground. He was given incharge/promoted to the post of Panchayath Secretary Grade-1 on 31.12.2004 by the 2nd respondent. Applicant was promoted as Panchayath Secretary Grade-1 and further promoted as Panchayat Development Officer (PDO). Respondents-3 and 4 were also posted as PDOs on par with the applicant. Respondent-2 passed an order on 23.08.2013 suspending the applicant from the post of PDO pending enquiry on some charges. The respondents-1 & 2 issued a seniority

list of the State for the posts of PDOs on 21.02.2014 and the applicant's name stands at Sl.No.812 and respondents Sl.Nos. stood at 809 and 813 and seniority Sl.No. of applicant stands at 158 and respondents at Sl.Nos.155 and 159 and date of appointment of applicant is shown as 05.04.1998 and respondents-3 and 4 both were appointed on 11.07.1998. The Executive Officer of Taluk Panchayath, Kanakapura sent a letter to the Chief Executive Officer of Zilla Panchayath, Ramanagara on 24.02.2014 giving information in regard to the applicant and also said that the applicant also passed departmental examinations. Respondents-1 & 2 gave promotion to the 3rd respondent on 20.05.2014 to the post of Assistant Director under Rule 32 of the Karnataka Civil Service Rules (KCSR). Respondent-1 passed an order/notification on 30.03.2015 giving regular promotion to the 3rd respondent from Rule 32 of KCSR and the names of respondents-3 and 4 are shown at Sl.Nos.132 and 91. Respondent-2 passed an order on 06.08.2015 suspending the applicant from service as PDO pending enquiry as per the Karnataka Civil Service (Classification, Control & Appeal) Rules [KCS (CCA) Rules] on some allegations against the applicant. Respondent-2 passed an order on 30.12.2015 exonerating the applicant from charges levelled against him on 23.08.2013 and suspension period is treated as duty period since none of the charges have been proved. Respondent-2 released the seniority list of PDOs existing as on 01.01.2016. Applicant's name is reflected at Sl.No.18 and the respondents-3 and 4 stands at Sl.Nos.17 and 19 though



the applicant was senior. Respondent-2 passed an order on 12.04.2017 exonerating the applicant from the charges. On 04.05.2017, applicant gave representation requesting that he should be given promotion from the date of 20.05.2014 as Assistant Director since he is eligible for promotion. In the above mentioned seniority list also the applicant's name is shown below the respondent-3. Again on 20.07.2017, the respondent-2 passed an order suspending the applicant on charges of non-implementation of project works, pending enquiry. Applicant's name for promotion is kept in sealed cover. Therefore, being aggrieved by the action taken by the respondent-authorities in not promoting the applicant, though his juniors are promoted and also challenging the legality and correctness of the same on the grounds mentioned in the application, the applicant is before this Tribunal.

3. The learned Government Pleader orally objected to the application contending that the application itself is not maintainable either in the eye of law or on facts and the applicant is not entitled for any of the reliefs as prayed for in the application.

4. Heard the arguments of the learned counsel for the applicant and the arguments of the learned Government Pleader for the respondent-1.

5. Perused the averments made in the application, oral objection raised by the learned Government Pleader, documents produced by the applicant

as per Annexures-A1 to A16 and I have also considered the oral submissions made by the learned counsel for both the parties.

6. Perusing the materials, no doubt earlier also there were two suspension orders passed against the applicant. But looking to the documents produced by the applicant, the applicant was exonerated because the charges were not proved in the enquiry proceedings. But in the meanwhile, the respondent-authorities promoted the respondents-3 and 4 to the post of Assistant Director/Executive Officer, though they are juniors to the applicant. The reason assigned by the respondent-authorities for keeping the promotional aspect of the applicant in a sealed cover that the suspension order has been passed in the year 2017 on some charges. But looking to the materials, the date of suspension order is 20.07.2017 under which he was kept under suspension, we are in the year 2020. Though three years have been elapsed, the enquiry proceedings have not been concluded and in the meanwhile respondents-3 and 4 got the promotion to the next higher post. Therefore, when the juniors of the applicant have already been promoted and the reason for not giving promotion to the applicant is not known and case of the applicant for promotion is kept in the sealed cover and the suspension order of the applicant is dated 20.07.2017. In this regard, I have perused the decision of the Hon'ble Apex Court rendered in the case of State of Punjab and others Vs. Chamanlal Goyal reported in 1995 (2) SCC 570. Perusing the principle enunciated in the said

decision and as the suspension order was passed in the year 2017 itself and till now there is no progress in the enquiry proceedings, the applicant will be put to hardship and injury more particularly when his juniors have already been promoted to the next higher post. Hence, it is necessary to issue a direction to the respondents-1 and 2 for considering the case of the applicant for promotion without considering the pendency of the enquiry proceedings and if the applicant is otherwise entitled for promotion. Accordingly, application is allowed and respondents-1 & 2 are directed to consider the case of the applicant for promotion to the cadre of ~~Executive Officer~~ * Executive Officer. Assistant Director/ Same is subject to the review by the respondents-1 and 2 looking to the findings recorded by the enquiry officer. In case if the promotional aspect of the applicant is going to be considered, it is to be from the date his juniors are given promotion. The respondent-authorities have to attend to the same within two months from the date of receipt of copy of the order.

Sd/-
MEMBER (J)

* Corrected as per Tribunal order dt 23.6.2020.

LL*

23-06-2020
23-06-2020

CERTIFIED COPY
25/6/2020

IN THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT KALABURAGI

DATED THIS THE 21ST DAY OF AUGUST 2020

PRESENT

HON'BLE Mr.R.B.SATHYANARAYANA SINGH, JUDICIAL MEMBER

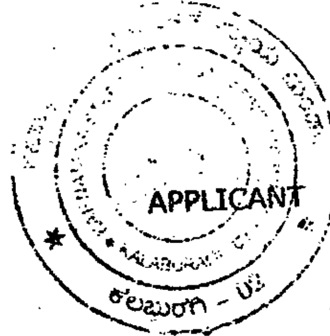
AND

HON'BLE Smt. G.LATHA KRISHNA RAO, ADMINISTRATIVE MEMBER
(Through video conference)

APPLICATION NUMBER 5692 OF 2019

BETWEEN

Dattatreya Patil,
Aged about 43 years,
S/o Kashinath Policepatil,
Working as Panchayat Development Officer, R.O. Belkuni B.H.
Taluk Kamalnagar,
Bidar District – 585 421.



APPLICANT

(By Sri Manure Ashok Kumar, Advocate)

AND

1. The State of Karnataka,
   Department of Rural Development and Panchayat Raj, M.S.Building,
   Bengaluru – 560 001,
   Represented by its Principal Secretary.

2. The Chief Executive Officer,
   Zilla Panchayat, Bidar,
   Bidar – 585 401.

RESPONDENTS

(By Smt. Arati Patil, Government Pleader for R1;
R2 : Served and unrepresented)

This application is filed under Section 19 of the Administrative Tribunals Act, 1985, with a prayer to set aside the list of candidates for recruitment through promotion to the posts of Assistant Director (NREGA) dated 19.09.2018, 14.05.2019 and 29.07.2019 at Annexures A5, A7 & A9, respectively, etc.

This application coming on for Preliminary Hearing and having been reserved for pronouncement of order, this day, **Mr. R.B.SATHYANARAYANA SINGH, HON'BLE JUDICIAL MEMBER,** made the following:

ORDER

Heard the learned Advocate appearing for the Applicant as well as learned High Court Government Pleader.

2. The case of Applicant is that he was appointed as a Panchayat Development Officer (PDO) under the handicapped quota by the Respondent No.1 as per order dated 19.12.2013 at Annexure A2. After the appointment he has successfully completed the probation period and also he has passed the departmental examinations within the stipulated period as such 2nd Respondent by order dated 15.06.2016 at Annexure A3 has declared his probation period as satisfactory.

3. The Applicant's case is that that 1st Respondent taking into consideration the services rendered by various PDOs has intended to promote several PDOs to the next post of Assistant Director

(NREGA) and in this regard the 1st Respondent issued a letter on 19.09.2018 as per Annexure A5 which contained a list of candidates selected for the posts of Assistant Director (NREGA) to the respective Zilla Panchayats. In the said letter the 1st Respondent requested the Zilla Panchayat to furnish the details of candidates along with their service book and the details regarding any pending departmental enquiries as well as Lokayukta proceedings against the candidates. The list contained 77 candidates out of whom 68 were from General category and 9 from SC, ST category.

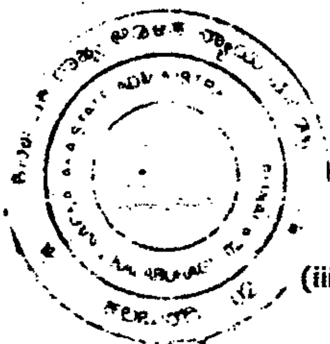
The case of the Applicant is that even though he is a person with disability with blindness as per disability certificate at Annexure A1, his name was not included in the said list and further no reservation through promotion has been provided for the persons with disability.

4. It is the contention of Applicant that as per the Karnataka General Service (Development Branch and Local Government Branch) Cadre and Recruitment Rules, 2008 (for short '2008 Rules') as per Annexure A6, the method of recruitment to the posts of Assistant Director (NREGA) is through promotion and as

per Point 6(a) of 2008 Rules, the minimum qualification for an Assistant Director is:

(i) The Panchayat Development Officer or the Panchayat Extension Officer or both of them shall serve a total of not less than 5 years.

(ii) In case there are not enough persons from either of these two departments who have completed 5 years of service, the State shall appoint persons who have cumulatively served for 5 years in the two abovementioned departments.



(iii) If such candidates are inadequate to fill the required vacancies, candidates with not less than 3 years' experience in either of the departments shall be selected.

5. Since as per the 2008 Rules the Applicant has completed five years of service as PDO as on 19.12.2018, it is his case that he is also eligible for appointment as Assistant Director and he has not been considered for promotion. The further case of Applicant is that after the letter dated 19.09.2018, since no promotions were given a fresh letter was issued on 14.05.2019 as per Annexure A7 by the 1st Respondent, wherein the letter dated

19.09.2018 was referred and the 1st Respondent requested all the Panchayats once again to submit the details of departmental enquiries and pendency of criminal actions or Lokayukta proceedings against the candidates who were selected for the promotion as per Annexure A5 and even in this letter dated 14.05.2019 the Applicant's name has not been included though he was eligible as per 2008 Rules .

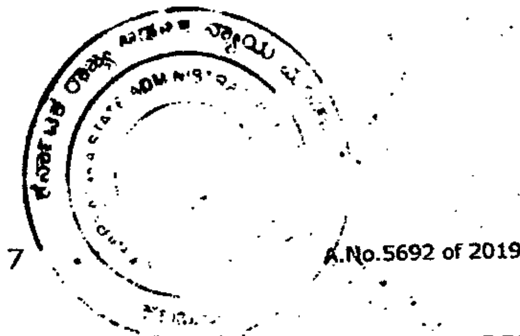
6. It is his further case that again the 1st Respondent wrote one more letter dated 29.07.2019 as per Annexure A8 and in the said letter a list of 102 candidates has been included wherein it shows that the same was issued to accommodate the additional persons who are from Hyderabad Karnataka Region which included the Districts of Bellary, Kalaburagi, Yadgir, Raichur, Koppal and Bidar and the Applicant is from district of Bidar and his name should have also been included as per the provisions of Disability Act. In the letter dated 29.07.2019 it has been mentioned that Zilla Panchayat has been directed to submit details regarding the qualification between 2013-14 and 2018-19, their performance reports, proof of qualifying for the required examinations, details of any pending criminal proceedings and



details of any Lokayukta proceedings to consider for appointment to the posts of Assistant Director (NREGA). It is his case that even in this list also the Applicant's name did not figure and not even a single person with disability has been included.

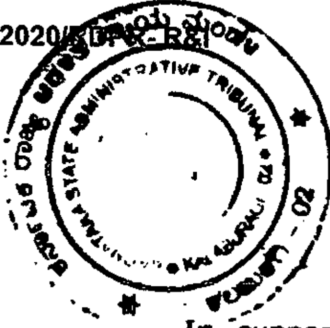
It is the further case of Applicant that since his name was not found even in Annexure A8 he has approached the Hon'ble High Court of Karnataka by filing Writ Petition No.204419/2018 (S-PRO) and sought for a mandamus directing the Respondents to reserve 3% of identified posts for persons with disability in promotion as per Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and the said Writ Petition came to be dismissed on 27.04.2019 as per Annexure A10 on the ground of maintainability and granting liberty to the Applicant to approach the appropriate forum, since the posts of PDO and Assistant Director are civil posts and accordingly the Applicant is before this Tribunal.

7. The learned Advocate appearing for the Applicant made a submission that though the Act provides for reservation to the persons with disabilities under Section 32 of Persons with Disability (hereinafter referred as PWD Act, 1995) and Section 33



of Right to Persons with Disability Act (hereinafter referred as RPD Act, 2016) the action of the 1st Respondent in not providing reservation in promotions and issuing the letter is in violation of Section 32 of PWD Act, 1995 and Section 33 and 34 of RPD Act, 2016. It is the further submission of learned Advocate for the Applicant that 2008 Rules at Point No.6(a) prescribes that the minimum qualification for the post of Assistant Director through promotion is that the PDO shall serve a total of not less than five years and the Applicant herein has completed the requirement of serving as PDO for five years as on 19.12.2018. The failure in extending reservation to the Applicant is in violation of the provisions of RPD Act, 2016.

It is the further submission of learned Advocate for the Applicant that the mode of recruitment to the post of Assistant Director (NREGA) is only through promotion from the post of PDO and further reservation has been provided for Scheduled Castes and Scheduled Tribes for recruitment to the post of PDO, similar reservations in promotions should have been provided to persons with disabilities Act and not providing such reservations in promotion is in violation of Section 34 of the RPD Act, 2016.

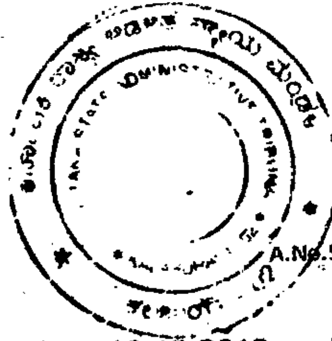


In support of the aforesaid contentions, the learned Advocate has relied on the decision rendered by the Hon'ble Apex Court in the case of **RAJEEV KUMAR GUPTA Vs. UNION OF INDIA AND OTHERS reported in (2016) 13 SCC 153** and also the decision of Hon'ble Apex Court in the case of **UNION OF INDIA Vs. NATIONAL FEDERATION FOR THE BLIND reported in (2013) 10 SCC 772.**

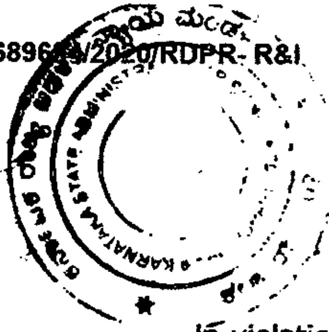
8. The learned Advocate for the Applicant has produced a note bearing No.ಮುಖಾ.2020 dated 30.07.2020 wherein the Chief Secretary of the Government has addressed to the Chief Executive Officers to complete the process of promotion in accordance with the Rules on or before 10.08.2020 and it is his apprehension that if the said Circular is followed by the Respondents, the Applicant will be deprived of his promotional aspects.

9. Though the matter is pertaining to the year 2019, neither the 1st Respondent has filed reply statement nor the 2nd Respondent represented the above matter in this case.

10. On perusing the averments made in the application as well as the annexures produced at Annexures A1 to A10 it can be seen



that the Applicant was appointed on 19.12.2013 as PDO under handicapped quota and further after completion of his probation period he has been declared his probation as satisfactory as per Annexures A3 and A4. When he has been declared his probation as satisfactory and he has been appointed as a regular candidate on 15.06.2016 if even that date is taken into consideration, according to 2008 Rules and according to Point No.6(a) of 2008 Rules the minimum qualification for the post of Assistant Director is that the PDO should have served a total of not less than five years and in accordance with the 2008 Rules the Applicant has already completed five years of service as PDO as on 19.12.2018, but perusal of 2008 Rules nowhere indicates regarding extending of reservation to the physically handicapped quota. When the Applicant is eligible for promotion as per 2008 Rules the 1st Respondent could have amended the Rules and provided reservation under the physically handicapped quota also. Since Section 33 of RPD Act, 2016 provides for identifying the posts for reservation for persons with disabilities and further it requires 4% of vacancies to be reserved for persons with disabilities in every establishment, not providing such reservation in promotion will be in clear violation of Section 32 of the PWD Act, 1995 and further



in violation of Sections 33 and 34 of RPD Act, 2016. Further as per the judgment relied on by the learned Advocate for the Applicant in **RAJEEV KUMAR GUPTA's case (supra)** wherein the Hon'ble Apex Court has clearly held that "once a post is identified, it means that a person with disability is fully capable of discharging the functions associated with the identified post. Once found to be so capable, reservation under Section 33 of not less than 3% must follow. Once the post is identified, it must be reserved for persons with disabilities irrespective of the mode of recruitment adopted by the State for filling up of the said post". The Hon'ble Apex Court has held that in accordance with Section 33 of PWD Act, 3% of posts must be reserved even if the post is filled by promotion where it has been identified that persons with disabilities are suitable for the post, and consequently, as per Section 34 of RPD Act, 4% of posts must be reserved for persons with disabilities. Since the Applicant has already been appointed under the handicapped quota and further since he has completed five years of term as a PDO as on 19.12.2018 under 2008 Rules is fully eligible to be considered under the PWD Act, 1995 and RPD Act, 2016, but the question that crops up is whether the

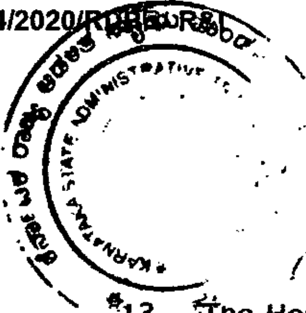


Respondents have identified the posts under Physically handicapped quota.

11. The Hon'ble Apex Court in the case of **RAJEEV KUMAR GUPTA Vs. UNION OF INDIA AND OTHERS reported in (2016) 13 SCC 153** the Court then concluded:

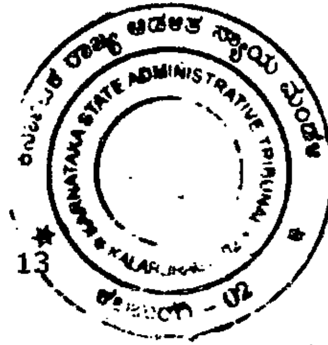
> 24. " A combined reading of Section 32 and 33 of the 1995 Act explicates a fine and designed balance between requirements of administration and the imperative to provide greater opportunities to Persons with Disabilities. Therefore, as detailed in the first part of our analysis, the identification exercise under Section 32 is crucial. Once a post is identified, it means that a PWD is fully capable of discharging the functions associated with the identified post. Once found to be so capable, reservation under Section 33 to an extent of not less than three percent must follow. Once the post is identified, it must be reserved for PWD irrespective of the mode of recruitment adopted by the State for filling up of the said post."

12. The learned Advocate appearing for the Applicant when questioned "whether the Respondents have identified the posts" under physically handicap category is not in a position to substantiate the same with any documentary proof.



13. The Hon'ble High Court of Bombay at Nagapur Bench in a recent judgment which is akin to the case of Applicant i.e., in the case of **Ravindra Vs. Union of India & Others, Writ Petition No.5632/2019 disposed on 09.07.2020** by referring to the judgment rendered by the Hon'ble Apex Court in the case of **RAJEEV KUMAR GUPTA Vs. UNION OF INDIA AND OTHERS reported in (2016) 13 SCC 153** while dismissing the case has observed at para 7.

> 07. " If there is no pleading specifically made by the petitioner regarding completion of identification exercise as required under Section 32 of the Act, 1995, we do not think that the petitioner could so emphatically claim that he has established an unimpeachable case of grant of benefit of reservation to him, as provided under Section 33 of the Act, 1995, both on facts and in law. In a case like this, the petitioner ought to have first sought a direction to the Government for completion of identification exercise under Section 32 of the Act, 1995. If the result of such an exercise had been identification of posts suitable to be filled up in Group-B category by persons with disabilities, the petitioner would have been further entitled to claim a relief, which he has made in the present petition, albeit prematurely. After all, it is not necessary that each and every post falling in Group-B category or for that matter in Group-A category, would be identified by the appropriate Government as suitable for being filled up through promotion by a person with disability. As such, we find that, at this stage, the petitioner would not get any benefit of law as laid down by the Hon'ble Apex Court. In this view



of the matter, we find that the petition is devoid of merit and it deserves to be dismissed."

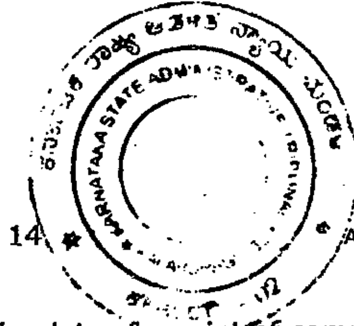
14. In the case on hand nowhere the Applicant has pleaded that the Respondents have identified the posts as per Section 32 of PWD Act, 1995. If the respondents have identified the posts suitable to be filled in the promotional group by persons with disabilities, then the direction sought at prayer (B) could have been granted in his favour.

15. The ends of justice would be met if a direction is given to the Respondent No.1 to first identify the posts in promotional cadre which are suitable for being filled up through promotion by persons with disability and once identified thereafter to consider the case of Applicant if he is otherwise eligible. Hence, the following:

ORDER

(1) Application is allowed in part.

(2) Respondent No.1 is directed to identify the posts in promotional cadres which are suitable for being filled up through promotion by persons with disability within a period of three



months from the date of receipt of copy of this order.

(3) Once, the posts are identified in promotional cadres Respondent No.1 and 2 are directed to consider the case of Applicant for promotion if he is otherwise eligible within a period of four weeks thereafter.

Sd/-
MEMBER (J)

Administrative Member
Karnataka State Administrative Tribunal
KALABURAGI - 02

Karnataka State Administrative Tribunal
KALABURAGI - 02
Copying Superintendent
Karnataka State Administrative Tribunal
KALABURAGI - 02

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IN THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT BANGALORE

DATED THIS THE 18th DAY OF MARCH, 2019

BEFORE

THE HON'BLE Mr.JUSTICE A.V.CHANDRASHEKARA, JUDICIAL MEMBER

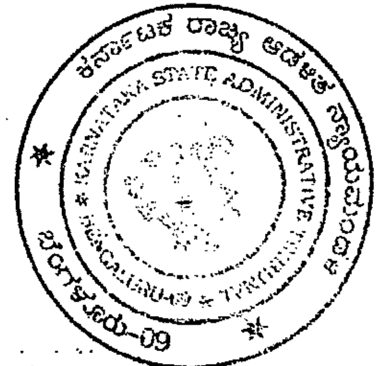
APPLICATION NOs.2259 TO 2261 OF 2014
c/w
A.NOs.2782 TO 2792 OF 2014,
A.NOs.496 TO 530 OF 2015,
A.NOs.4658 TO 4666 OF 2015
& A.Nos.3204 TO 3224 OF 2014.

APPLICATION NOs.2259 TO 2261 OF 2014:

BETWEEN:

1. Sri. Gopala Krishna C.,
S/o. S.Chikkanna,
Aged about 52 years,
Thellenur Gram Panchayat,
Kollegal Taluk,
Chamarajanagar District,
R/at C/o. Siddaraju,
No.2076, Mahadeshwara College Road,
Kollegal,
Chamarajanagar District.

2. Sri. M.S.Chandru,
S/o Siddaiah, aged 51 years,
Working as Panchayat Development
Officer, Masanapura &
Kagalavadi Gram Panchayat,
Chamarajanagar Taluk & District,
R/at Madapura Village,
Chamarajanagar Taluk & District.



3. Smt. C.S.Usharani,
W/o Siddaraju,
Aged 49 years,
Heggotara Grama Panchayat,
Chamarajanagar Taluk & District,
R/at T.Narasipura Town,
Triveninagar,
Mysore District. **..APPLICANTS**

(By Sri M.Madhusudan, Advocate for applicants in A.Nos.2259/2014 & 2261/2014; Sri M.Krishnappa, Advocate for applicant in A.No.2260/2014)

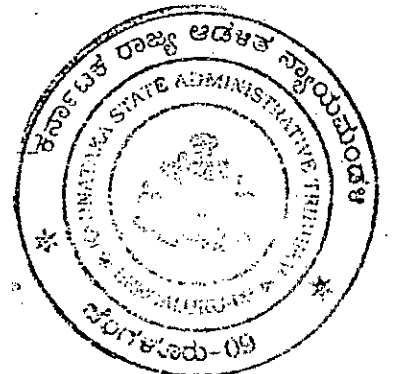
A N D:

1. The State of Karnataka,
rep. by its Secretary (Panchayat Raj),
Department of Rural Development
and Panchayatraj,
M.S.Building,
Bangalore 560 001.

2. The director (Panchayat Raj) &
Ex. Officio Deputy Secretary to Government,
Department of Rural Development &
Panchayat Raj,
M.S.Building,
Bangalore 560 001.

3. The Chief Executive Officer,
Zilla Panchayat,
Chamarajanagar District,
Chamarajanagar 571 463.

4. L. Nomeshkumar,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka Panchayat,
Devanahalli,
Bangalore Rural District 562 110.



5. N.Bharathi,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka panchayat, Chitradurga,
Chitradurga District 577 554.

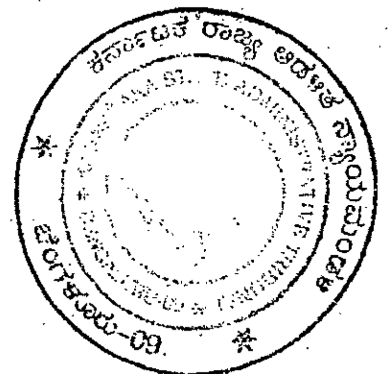
6. Bharathi M.Chaluvaiah,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka Panchayat,
Bijapur,
Bijapur District 586 101.

7. Eshwarappa,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka panchayat, Chickmagalur,
Chikmagalur District 577 101.

8. Smt. K.Jayalakshmi,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka Panchayat, Honnali,
Davanagere,
Davanagere District 577 217.

9. P.S.Anantharaju,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka panchayat, Harihar,
Davanagere District.

10. K.E. Jayaramu,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka Panchayat,
Harihar,
Davanagere District.



11. Sri N.Y.Basarigidada,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka panchayat, Mudhol,
Bagalkot District 587 101.

12. B.Krishnamurthy,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka Panchayat,
Hunsur,
Mysore District 571 105.

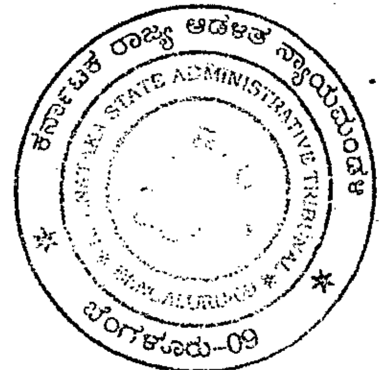
13. Rajanna,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka panchayat, Puttur,
D.K. District 574 201.

14. Dayavathi,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka Panchayat, Bantwal,
Dakshina Kannada District.

15. Savitha.B.M.,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka Panchayat, Mangalore,
Dakshina Kannada District 575 001.

16. N.Narayana Swamy,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka Panchayat, Ankola,
Uttara Kannada District 581 314.

17. Smt. K.V.Nirmala,
Assistant Director (Rural Employment),
(Independent Charge),



Taluka panchayat, Shiraguppa,
Bellary District-591 242.

18. Dhanaraj Bhorale,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka Panchayat, Aurad,
Bidar District 585 401.

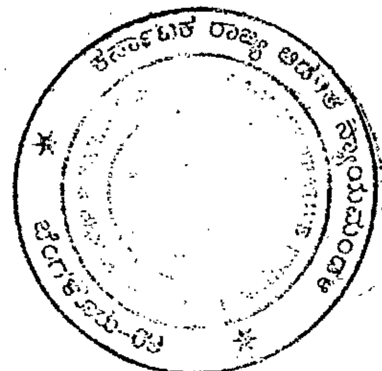
19. Sri Jagannatha Murthy,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka panchayat,
Basavakalyana,
Bidar District 586 203.

20. Sri B.S.Rathod,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka Panchayat,
Kalghatagi,
Dharwad District 585 201.

21. Prakah R. Halammanavar,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka panchayat,
Surapura, Yadagir,
Dharwad District 585 201.

22. Sri Babu Rathod,
Assistant Director (Rural Employment),
(Independent Charge),
Taluka Panchayat,
Humnabad,
Bidar District 585 330.

23. Sri M.P. Basavaraju,
Assistant Director (Rural Employment),
(Independent Charge),



Taluka panchayat, Badami,
Bagalkot District 587 201. ..RESPONDENTS

(By Sri. Neelakantappa K.Pujar, Government Pleader for respondents-1 & 2; Sri A.Nagarajappa, Advocate for Respondents-4, 6 to 16, 18, 19, 20 & 22; Sri K.Nagalingappa, Advocate for respondents-5 & 17; Respondents-3 & 21 served and unrepresented; Respondent-23 deleted as per Court Order dated 27.08.2015)

APPLICATION NOs.2782 TO 2792 OF 2014:

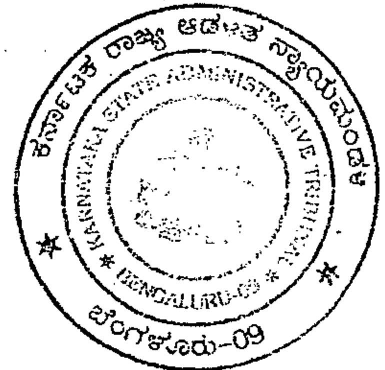
BETWEEN:

1. B.L.Aravind,
S/o. late B.T.Lakshmana Shetty,
Aged about 40 years,
Working as Panchayat Development
Officer, Beeruvalli Gram Panchayat,
Akkihebbalu Hobli,
K.R.Pet Taluk,
Mandya District 571 343.

2. H.S.Onkarappa,
S/o Ningaiah,
Aged about 53 years,
Working as Panchayat Development
Officer, Katyaya, Hassan Taluk,
Hassan District 573 201.

3. B.V.Kumar,
S/o. late E.Balakrishna,
Aged about 43 years,
Working as Panchayat Development
Officer, Hanike Gram Panchayat,
Kasaba Hobli, Belur Taluk,
Hassan District 573 201.

4. Dr. T.Narasimharaja,
S/o Govindappa,



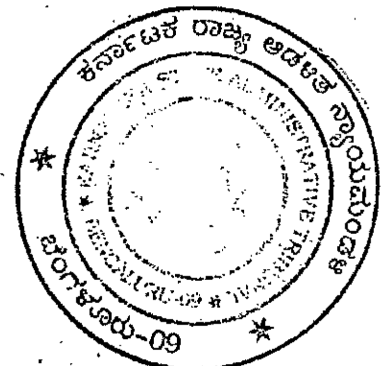
Aged about 44 years,
Working as Panchayat Development Officer, Bharathipur Corss Gram Panchayat, K.R.Pet Taluk, Mandya Distrcit 571 343.

5. T.Santhosh,
S/o. late Prakash,
Aged about 31 years,
Working as Panchayat Development Officer, Doddakadanur Gram Panchayat, Halli Mysore Hobli, Holenarasipura Taluk, Hassan District 571 343.

6. Smt. R.Pramila,
W/o H.Hanumanthaiah,
Aged about 40 years,
Working as Panchayat Development Officer, Kiramsur Gram Panchayat, Srirangapatna Taluk, Mandya District 571 343.

7. B.Narayanaswamy,
S/o. late Byanna,
Aged about 40 years,
Working as Panchayat Development Officer, Chowdenahalli Gram Panchayat, Kikkeri Hobli, K.R.Pet Taluk, Mandya District 571 343.

8. Parasurama Somanna Rogannavar,
S/o. Somanna,
Aged about 42 years,
Working as Panchayat Development Officer, Devihosur Gram Panchayat, Haveri Taluk, Haveri District 581 110.



9. Parameshwarappa Lakamappa Naik,
S/o Lakamappa Naik,
Aged about 50 years,
Working as Panchayat Development
Officer, Gram Panchayat,
Asundi, Ranebennur Taluk,
Haveri District 581 110.

10. Smt. Savitha,
D/o Sadanandappa Yeresime,
Aged about 30 years,
Working as Panchayat Development
Officer, Devagiri Gram Panchayat,
Haveri Taluk and District 581 110.

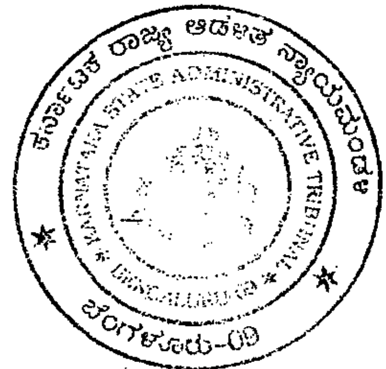
11. Dharmappa Bheemappa Harijana,
Aged 43 years,
S/o Bheemappa Harijana,
Working as Panchayat Development
Officer, Aremallapura Gram Panchayat,
Ranebennur Taluk,
Haveri District 581 110. ..**APPLICANTS**

(By Sri M.Nagaprasanna, Advocate for applicants)

A N D:

1. The State of Karnataka,
rep. by its Secretary to Government,
Department of Rural Development
and Panchayat Raj,
Vidhana Soudha,
Bangalore 560 001.

2. The Chief Executive Officer,
Zilla Panchayat,
Mandya 571 343.



3. The Chief Executive Officer,
Zilla Panchayat,
Haveri 581 110.

4. The Chief Executive Officer,
Zilla Panchayat,
Hassan 573 201.

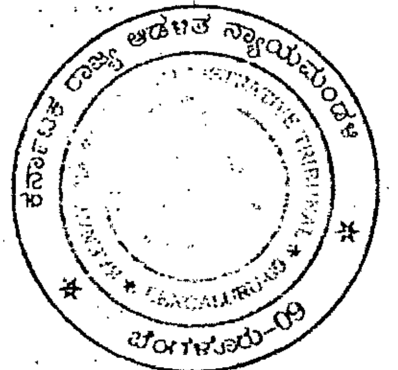
5. S.H. Marangappanavar,
Major, working as
Assistant Statistical Officer,
Rural Development
Commissioner's Office,
Bangalore.

6. R. Krishnamurthy,
Major, working as
Assistant director,
Rural Development,
Taluk Panchayat,
Monakalmura,
Chitradurga District 577 501.

7. S.P.Anusuyamma,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat, Holalkere,
Chitradurga District 577 501.

8. G.Chowdappa,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Ramanagara,
Ramanagara District 571 511.

9. H.Jayappa,
Major, working as



Assistant Director,
Rural Development,
Taluk Panchayat, Tarikere,
Chickmagalur District 577 101.

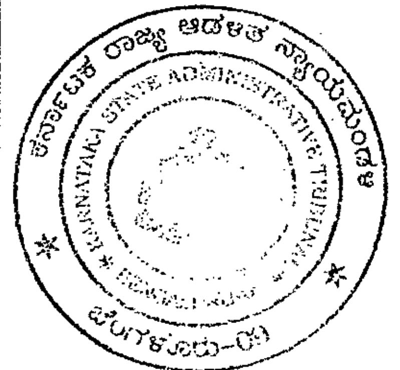
10. E. Marulusiddappa,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Harapanahalli,
Davanagere District 577 001.

11. Shankarachari,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat, Magadi,
Ramanagara District 571 511.

12. Smt. S.Geetha,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Srirangapatna,
Mandya District 571 343.

13. M.Basava Lingappa,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat, Chitradurga,
Chitradurga Disgtrict 577 501.

14. K.Ramanujaiah,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,



Nelamangala,
Bangalore Rural District 560 002.

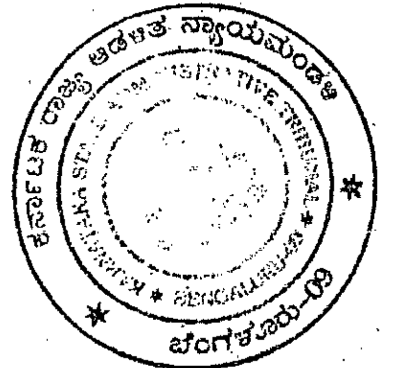
15. G.B.Basavalingappa,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat, Sringeri,
Chickmagalur District 577 501.

16. K.V.Srinivasamurthy,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Hanagal,
Haveri District 581 110.

17. P.V.Venkatesh,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat, Holenarasipura,
Hassan District 573 201.

18. C.V.Srinivas,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Byadagi,
Haveri District 581 110.

19. Rajanna,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat, Bidar,
Bidar District 585 401.



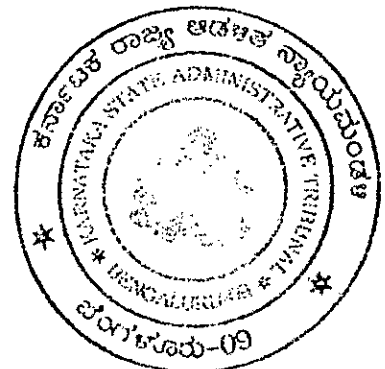
20. C.P.Govindaraju,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Hirekerur-2,
Haveri District 581 110.

21. C.M.Munikrishnappa,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Sulya,
Dakshina Kannada district 574 248.

22. M.V.Sadiq Ulla,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Sira, Tumkur District 572 101.

23. Lakkegowda,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Bellary,
Bellary District 583 101.

24. G.T.Somashekarappa,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Sakleshpura,
Hassan District 573 201.



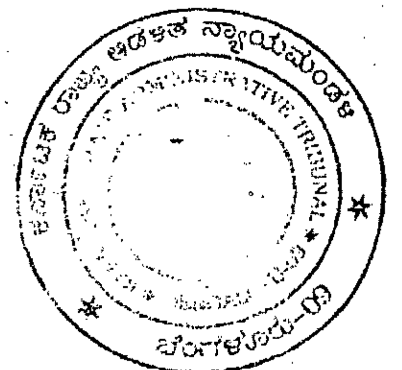
25. N.Nomesh Kumar,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Devanahalli,
Bangalore Rural District 560 002.

26. R.Thippeswamy,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Jewargi,
Gulbarga District 585 101.

27. Rajanna,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Kolar,
Kolar District 563 101.

28. K.O.Janakiram,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Challakere,
Chitradurga District 577 501.

29. Smt. N.Bharathi,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Hosadurga,
Chitradurga District 577 501.



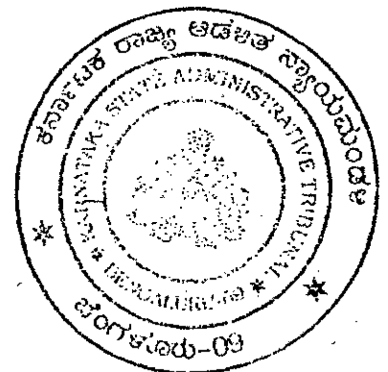
30. T. Murudaiah,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Davanagere,
Davanagere District 577 001.

31. Bharathi M.Chaluvaiah,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Bijapur,
Bijapur District 586 101.

32. S.S.Kalmani,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Hosapete,
Bellary District 583 101.

33. T.K.Ramesh,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Bangalore,
Bangalore Urban District 560 002.

34. G.Krishnamurthy,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Bhadravathi,
Shimoga District 577 201.



35. C.R.Mundaragi,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Kustagi,
Koppal District 583 231.

36. S.M.Kambale,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Kudligi,
Bellary District 583 101.

37. K.Anandakumar,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Alanda,
Gulbarga District 585 101.

38. L.Mohankumar,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Bhalki,
Bidar District 585 401.

39. Anusuya Chalavadi,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Muddeebihal,
Bijapur District 586 101.



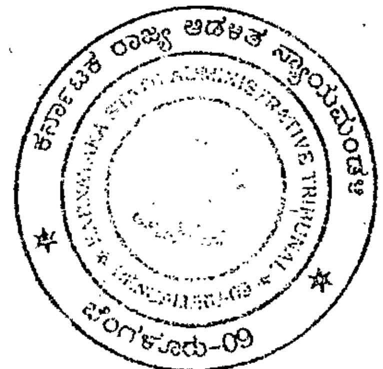
40. M.V.Chalageri,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Bilagi,
Bagalkote District6 587 101.

41. H.R.Hanumantharayappa,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Maddur,
Mandya District 571 343.

42. S.M.Samshi,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Mundaragi,
Gadag District 582 101.

43. S.B.Sajjanara,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Basavana Bagewadi,
Bijapur District 586 101.

44. P.K.Bhyadagi,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Rona, Gadag District 582 101.



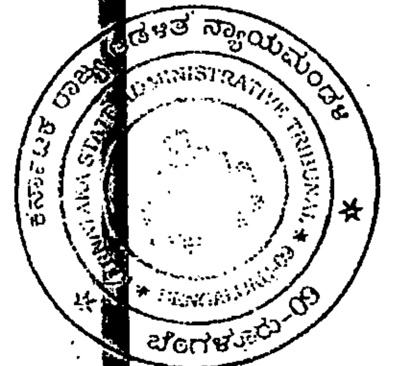
45. V.R.Poojari,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Indi, Bijapur District 586 101.

46. A.Y.Doddamani,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Jamakhandi,
Bagalkote District6 587 101.

47. M.S.Patila,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Hagari Bommanahalli,
Bellary District 583 101.

48. C.B.Devaramani,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Shahapura,
Yadgir Distrcit 585 201'.

49. M.C.Thalavara,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Dharwad,
Dharwad District 580 001.



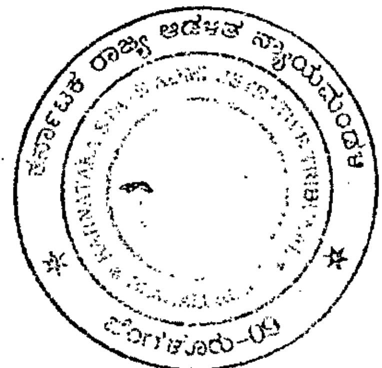
50. Narasimhaiah,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Jagalur,
Davanagere District 577 001.

51. K.B.Nagaraj,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Chincholki,
Gulbarga District 585 101.

52. S.Shivaprakash,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Shikaripura,
Shimoga District 577 201.

53. Eshvarappa,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Chikmagalur District 577 101.

54. D.Doddasiddaiah,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Thirthahalli,
Shimoga District 577 201.



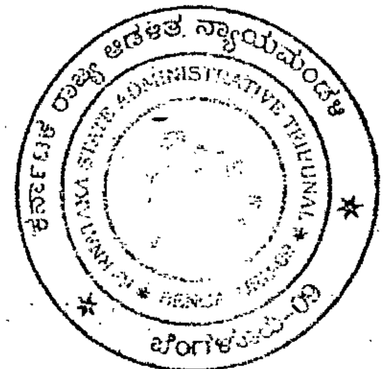
55. Smt. K.Jayalakshmi,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Honnali,
Davanagere District 577 001.

56. P.S.Anantharaju,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Harihara,
Davanagere District 577 001.

57. K.E.Jayaram,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Channarayapatna,
Hassan District 573 201.

58. N.I.Basarigidada,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Mudhola,
Bagalkote District 587 101.

59. Shivarajaiah,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Chitapura,
Gulbarga District 585 101.



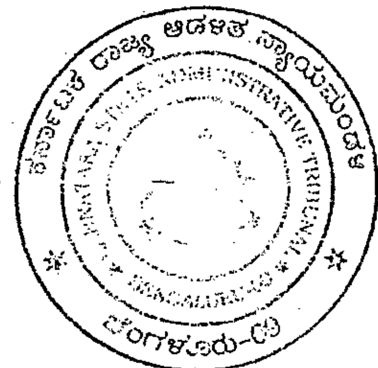
60. B.Krishnamurthy,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Hunsur,
Mysore District 570 001.

61. M.D.Ramaiah,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
K.R.Nagar,
Mysore District 570 001.

62. Rajanna,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Puttur,
D.K.District 574 248.

63. Smt.Dhayavathi,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Bantwal,
Dakshina Kannada District 574 248.

64. Smt.B.M.Savtiha,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Mangalore,
D.K. District 574 248.



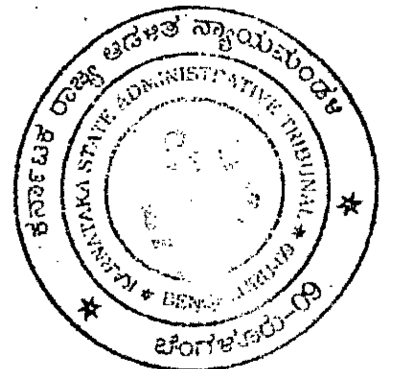
65. N.Narayanaswamy,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Ankola,
Uttara Kannada District 581 314.

66. Smt. K.V.Nirmala,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Sirguppa,
Bellary District 583 101.

67. Dhanaraj Bhorale,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Auradh,
Bidar District 585 401.

68. Korama Thimmappa,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Sindhanur,
Bellary District 583 101.

69. Jagannathamurthy,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Auradh,
Bidar District 585 401.



70. B.S.Ratoda,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Dharwad,
Dharwad District 580 001.

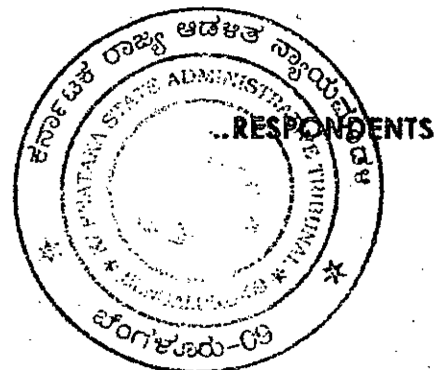
71. P.R.Halammanavara,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Kalagatagi,
Dharwad District 580 001.

72. Babu Ratoda,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Dharwad,
Dharwad District 580 001.

73. H.B.Katti,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Tarikere,
Chikmagalur District 577 101.

74. M.P.Basavaraju,
Major, working as
Assistant Director,
Rural Development,
Taluk Panchayat,
Mudigere,
Chikmagalur District 577 101.

..RESPONDENTS



(By Sri. Neelakantappa K.Pujar, Government Pleader for respondent-1; Sri A.Nagarajappa, Advocate for Respondents-4, 5, 14, 16, 19, 21, 23, 25, 27, 28, 31 to 33, 36, 37, 40, 42, 47, 48, 50, 51, 53 to 58, 60 to 63, 65, 68 to 70, 72 & 73; Sri K.Nagalingappa, Advocate for respondents-29, 66 & 71; Sri B.J.Somayagi, Advocate for respondent-2; Respondents-3, 7, 15, 17, 18, 20, 22, 24, 30, 34, 35, 39, 41, 45, 46, 49, 52, 64, 67 & 74 served and unrepresented; Respondents-6, 8 to 13, 26, 43 & 44 deleted as per Court Order dated 02.09.2016 and Respondents-38 & 59 deleted as per Court Order dated 28.11.2016).

APPLICATION NOs.496 TO 530 OF 2015:

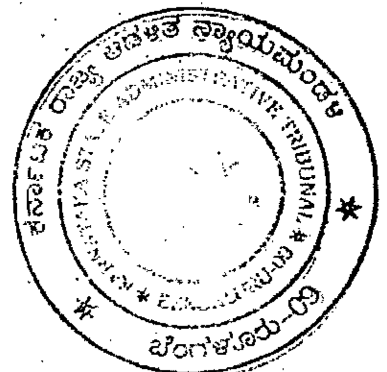
BETWEEN:

1. Sri. Subbaraja Urs. V.R.,
Aged about 38 years,
S/o Shri Ramaraj Urs.V.,
Panchayath Development Officer,
Kallambella Gram Panchayath,
Sira Taluk, Tumkur District.

2. Sri. Prasanna Kumara H.M.,
Aged about 37 years,
S/o Shri Marlingappa,
Panchayath Development Officer,
Shindholli Gram Panchayath,
Khanpur Taluk, Belgavi District 591 302.

3. Sri. Gangadhara N.,
Aged about 33 years,
S/o Shri Nagaraja Naik,
Panchayath Development Officer,
Bambarga Gram Panchayath,
Belagavi Taluk, Belagavi District.

4. Sri. Prabhakar N.Bhat,
Aged about 34 years,
S/o Shri RNarasimha Bhat,



Panchayath Development Officer,
Devalatti Gram Panchayath,
Khanapur Taluk,
Belgavi District 591 131.

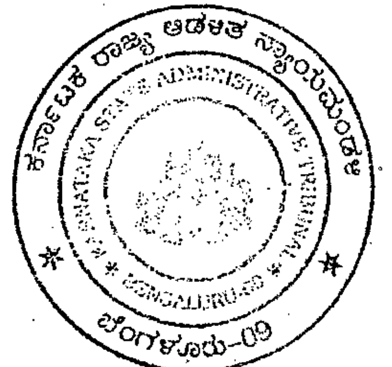
5. Smt. Leelavathi,
Aged about 34 years,
D/o Jayarame Gowda,
Panchayath Development Officer,
Somanahalli Gram Panchayath,
Maddur Taluk, Tumkur District.

6. Sri. Narasimha Murthy,
Aged about 32 years,
S/o Shri Ramanna,
Panchayath Development Officer,
Jodihosahalli Gram Panchayath,
Kunigal Taluk, Tumkur District.

7. Smt.Manjamma,
Aged about 37 years,
D/o Rangaswamaiah.R.,
Panchayath Development Officer,
Adagur Gram Panchayath,
Gubbi Taluk, Tumkur District.

8. Smt. Kavitha M.J.,
Aged about 34 years,
D/o Shri Juleerappa,
Panchayath Development Officer,
J.Hosahalli Gram Panchayath,
Gubbi Taluk, Tumkur District.

9. Smt. Madhumathi,
Aged about 37 years,
D/o channabasaiah,
Panchayath Development Officer,
Herur Gram Panchayath,
Gubbi Taluk, Tumkur District.



10. Sri. Devegowda K.,
Aged about 33 years,
S/o Shri Karagegowda,
Panchayath Development Officer,
Agrhara Bachahalli Gram Panchayath,
K.R.Pete Taluk, Mandya District.

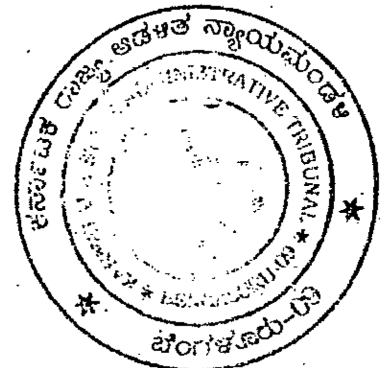
11. Sri. Suresh P.R.
Aged about 33 years,
S/o Shri Ramalingappa
Panchayath Development Officer,
Mayagonahalli Gram Panchayath,
Nagamangala Taluk, Mandya District.

12. Sri. Dayanand Hulamani,
Aged about 36 years,
S/o Shri Pakeerappa,
Panchayath Development Officer,
Asundi Gram Panchayath,
Saudatti Taluk, Beklgaum District.

13. Sri. Shivalingaiah,
Aged about 44 years,
S/o Shri Lingaiah,
Panchayath Development Officer,
Halkurike Gram Panchayath,
Tiptur Taluk,
Tumkur District.

14. Sri. Shankar S.,
Aged about 32 years,
S/o late Sannappa,
Panchayath Development Officer,
Yaliyur Grama Panchayath,
Huthridurga Taluk,
Tumkur District.

15. Sri. Gajendra Kumar,
Aged about 31 years,
S/o Shri Govinde Gowda,



Panchayath Development Officer,
Komalapura Gram Panchayath,
Piriyapatna Taluk, Mysore District.

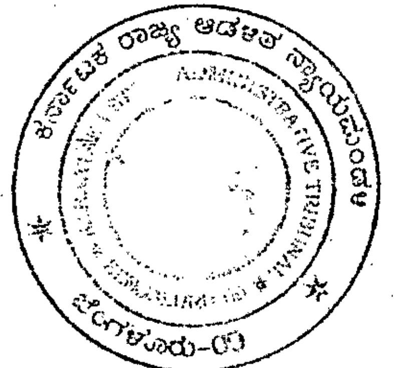
16. Smt. S.D. Shashikala,
Aged about 36 years,
D/o Devegowda,
Panchayath Development Officer,
Katteri Gram Panchayath,
Pandavapura Taluk, Mandya District.

17. Sri. Chethan H.M.,
Aged about 32 years,
S/o Shri Maheshwarappa H.B.,
Panchayath Development Officer,
Vakkalagere Grama Panchayath,
Kadur Taluk, Chickmagalur District.

18. Sri. Vijay.K.,
Aged about 30 years,
S/o Shri B.R.Krishnappa,
Panchayath Development Officer,
Nadur Gram Panchayath,
Sira Taluk, Tumkur District.

19. Sri. Pattar Sudheer,
Aged about 31 years,
S/o Shri Irappa Sudheer,
Panchayath Development Officer,
Aratagal Gram Panchayath,
Saudatti Taluk, Belgaum District.

20. Sri. Shivanand Shiraganvi,
Aged about 33 years,
S/o Shri Tamanna,
Panchayath Development Officer,
Karoshi Gram Panchayath,
Chikkodi Taluk, Belgaum District.



21. Smt. Renuka K.P.,
Aged about 30 years,
Panchayath Development Officer,
Hulikunte Gram Panchayath,
Koratagere Taluk, Tumkur District.

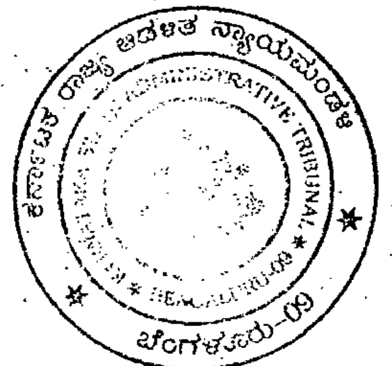
22. Smt. Devaki T.L.,
Aged about 38 years,
D/o Lakshmi Narayana Gowda,
Panchayath Development Officer,
Belavatha Gram Panchayath,
Gubbi Taluk, Belgaum District.

23. Sri. Niranjan Murthy D.R.,
Aged about 30 years,
Panchayath Development Officer,
B.G.Kere Gram Panchayath,
MolakalmurTaluk,
Chitradurga District.

24. Sri. Vasanth Kumar.R.,
Aged about 28 years,
S/o Shri Rajappa,
Panchayath Development Officer,
Kainadu Gram Panchayath,
Hosadurga Taluk,
Chitradurga District.

25. Sri. Vasanth Kumar M.V.,
Aged about 38 years,
S/o Shri M.Venkataswamy,
Panchayath Development Officer,
Ramasagar Gram Panchayath,
Bangarpet Taluk,
Kolar District.

26. Sri. Raghavendra Rao B.S.,
Aged about 40 years,
S/o Shri Sheshagiri Rao B.G.,
Panchayath Development Officer,



Jakkarasakuppa Gram Panchayath,
Bangatpet Taluk, Kolar District.

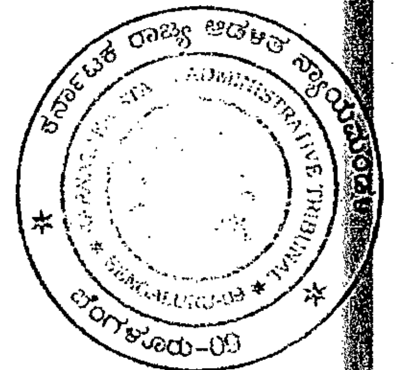
27. Sri. Praveen K.,
Aged about 34 years,
S/o Shri J.Kumar,
Panchayath Development Officer,
Kuruvanka Gram Panchayath,
Banavara Hobli,
Arasikere Taluk,
Hassan District.

28. Sri. Shashidhara C.,
Aged about 36 years,
S/o Shri B.Chowdaiah,
Panchayath Development Officer,
Kesaramadu Gram Panchayath,
Tumkur Taluk, Tumkur District.

29. Sri. Sathyappa Krishnappa Naragatti,
Aged about 29 years,
Panchayath Development Officer,
Koligudd Gram Panchayath,
Raibag Taluk, Belgaum District.

30. Sri. Ashafa A.Dilavar,
Aged about 32 years,
C/o Mehaboob Korabu,
Panchayath Development Officer,
Jalalpur Road, Raibag 591 317,
Belgaum District.

31. Sri. Naveen Kumar.V.,
Aged about 32 years,
S/o Shri Venkatesh,
Panchayath Development Officer,
Kesagodu Gram Panchayath,
Belur Taluk, Hassan District 573 215.



32. Smt.Rudrambika I.O.,,
Aged about 38 years,
W/o.Chandresh C.N.,
Chiikolale Village,
Kabbinahally Post,
Chikamagalur District 577 101.

33. Smt. Latha.J.,
Aged about 30 years,
D/o A.Jakkanachari,
Panchayath Development Officer,
Door No.147, CDA Layout,
4th Stage,
Kalyannagar,
Jyothinagar Post,
Chickmaglur 577 103.

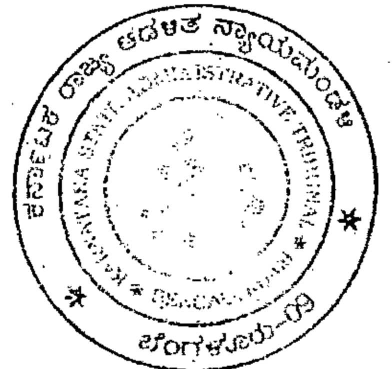
34. Sri. Sunil Kumar.N.,
Aged about 32 years,
S/o Shri Nanjunda Swamy,
Kalkere Gram Panchayath,
Kadur Taluk,
Chikamaglur District 577 180.

35. Smt. Kalamma,
Aged about 26 years,
D/o Shankar B.R.,
Panchayath Development Officer,
Kachur Village,
Barkur 576 210,
Udupi District. ..APPLICANTS

(By Sri Girish S.Jambagi, Advocate for applicants)

A N D:

1. The State of Karnataka,
rep. by its Secretary to Government,
Department of Rural Development
and Panchayat Raj,



M.S.Buildings,
Bengaluru 560 001.

2. The Director (Panchayath Raj),
& Ex.Officio Deputy Secretary to
Government,
Rural Development & Panchayath Raj
Department,
M.S.Building,
Bengaluru 560 001.

3. Smt. Reshma H. K. Hussain,
Panchayath Development Officer,
Ingalagi Gram Panchayath,
Chittapura Taluk, Kalaburga 587 371.

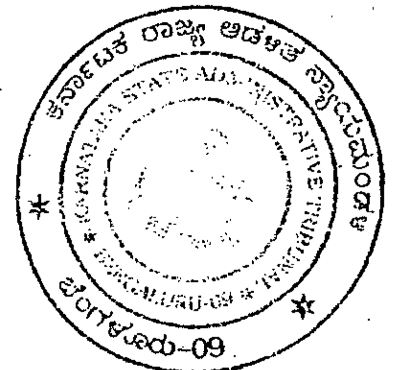
4. Smt. Latha N.C.,
Panchayath Development Officer,
Holakunda Gram Panchayath,
Kalaburgi Taluk, Kalaburga 587 371.

5. Sri Suresh Kallappa Chikkareddi,
Panchayath Development Officer,
Bhupalteganur Gram Panchayath,
Kalaburgi Taluk, Kalaburga 587 371.

6. Smt. Sudha Rabhinala,
Panchayath Development Officer,
Ankalaga Gram Panchayath,
Jevargi Taluk, Kalaburga 587 310.

7. Smt. Bharathi Shashidhara Manoora,
Panchayath Development Officer,
Bankura Gram Panchayath,
Chittapura Taluk, Kalaburga 585 211.

8. Smt. Vijaya Sanadi Basappa,
Panchayath Development Officer,
Srichanda Gram Panchayath,
Alanda Taluk, Kalaburga 585 302.



9. Sri Jagadeesh Rajappa,
Panchayath Development Officer,
Gadikeshwara Gram Panchayath,
Chincholi Taluk, Kalaburga 585 307.

10. Sri Yamanoorappa,
Panchayath Development Officer,
Ginal Gram Panchayath,
Shahpur Taluk, Yadgir District 590 003.

11. Sri Senditha Shinde Ramanna,
Panchayath Development Officer,
Kumasi Gram Panchayath,
Kalburgi Taluk, Kalburgi District 581 371.

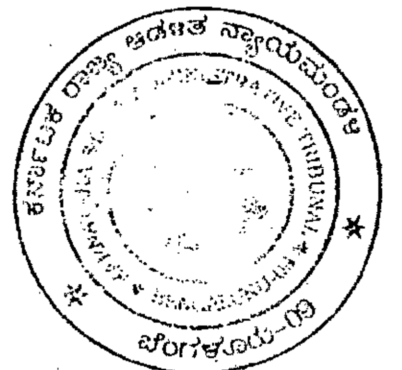
12. Smt. Anjana Ramkrishna Gachhi,
Panchayath Development Officer,
Kamnatagi Gram Panchayath,
Shorapur Taluk, Yadgir District 590 002.

13. Sri Siddaraju K.C.,
Panchayath Development Officer,
Yalheri Gram Panchayath,
Yadgir Taluk, Yadgir District.

14. Smt. Shilpa K.Fakeerappa,
Panchayath Development Officer,
Hebbal Gram Panchayath,
Chitapur Taluk, Kalburgi District 585 211.

15. Sri Gangadhar Eranna,
Panchayath Development Officer,
Kudla Gram Panchayath,
Sedam Taluk, Kalburgi District 585 222.

16. Sri Ramesh Kallappa,
Panchayath Development Officer,
Sonna Gram Panchayath,
Jevargi Taluk, Gulbarga District 585 310.



17. Smt. Suvarna Sangappa Pattna,
Panchayath Development Officer,
Duttargaon Gram Panchayath,
Aland Taluk, Kalburgi District 585 302.

18. Smt. Hema Vishwanath Reddy,
Panchayath Development Officer,
Madbul Gram Panchayath,
Chitapur Taluk, Kalburgi District 581 371.

19. Sri Y Narayana A.,
Panchayath Development Officer,
Banmangadi Gram Panchayath,
Pandavapura Taluk,
Mandya District 571 401.

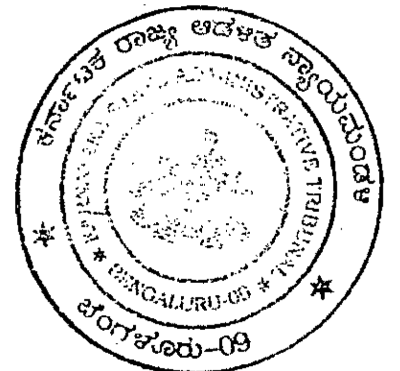
20. Sri Munimaregowda,
Panchayath Development Officer,
Uyyamballi Gram Panchayath,
Kanakapura Taluk,
Ramanagara District 562 117.

21. Sri Dilleppa K.Kambali,
Panchayath Development Officer,
Budapanahalli Gram Panchayath,
Byadgi Taluk, Haveri District 581 106.

22. Sri Rajashekar B. Neluvigi,
Panchayath Development Officer,
Mandewal Gram Panchayath,
Jewargi Taluk, Gulbarga District 581 371.

23. Smt. Pavithra S.,
Panchayath Development Officer,
Kurihundi Gram Panchayath,
Nanjangud Taluk,
Mysore District 571 301.

24. Sri S.Sathish,
Panchayath Development Officer,



Thungani Gram Panchayath,
Kanakapura Taluk,
Ramanagara District 562 117.

25. Sri Gangadhara M.,,
Panchayath Development Officer,
Ambale Gram Panchayath,
Yelandur Taluk,
Chamarajanagar District 563 138.

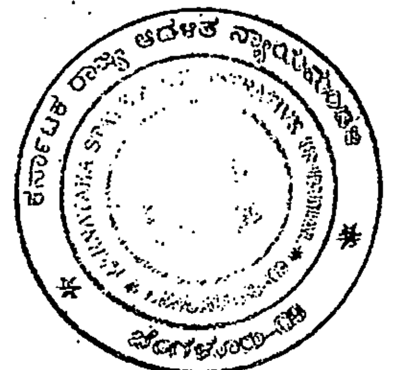
26. Sri Kumar,
Panchayath Development Officer,
Anneshwara Gram Panchayath,
Devanahalli Taluk,
Bangalore Rural District 562 110.

27. Sri Sumesh M.R.,
Panchayath Development Officer,
Gowdalli Grama Panchayath,
Somwarpet Taluk,
Madikeri District 571 236.

28. Smt. Kavitha G.,
Panchayath Development Officer,
Someshwarapura Gram Panchayath,
Mysore Taluk, Mysore District 571 236.

29. Sri Padmappa Siddappa,
Panchayath Development Officer,
Yerandi Gram Panchayath,
Basavakalyan Taluk,
Bidar District 585 327.

30. Sri Nagaraju B.L.,
Panchayath Development Officer,
Thippagondanahalli Gram Panchayath,
Channagiri Taluk,
Davanagere District 577 213.



31. Smt. Rashmi. K.,
Panchayath Development Officer,
Kesaranahalli Gram Panchayath,
Bangarapet Taluk, Kolar District 563 114.

32. Sri Ganapathi Laxman Naika,
Panchayath Development Officer,
Kharva Gram Panchayath,
Honnavar Taluk,
Uttara.Kannada District 581 334.

33. Sri Girimallappa I.Baragi,
Panchayath Development Officer,
Kagrali B.K. Grama Panchayath,
Belgaum Taluk,
Belgaum District 590 002. **..RESPONDENTS**

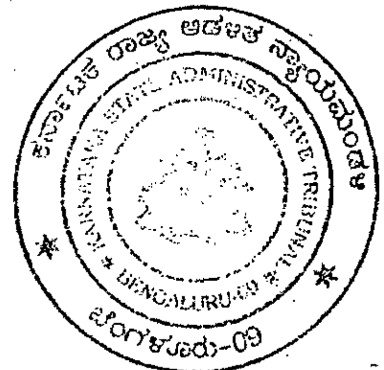
(By Sri. Neelakantappa K.Pujar, Government Pleader for respondents-1 & 2; Respondents-3 to 33 served and unrepresented)

APPLICATION NOs.4658 TO 4666 OF 2015:

BETWEEN:

1. Sri. Vinay Kumar,
S/o Eshwar Rao,
Aged about 35 years,
Panchayath Development Officer,
Gram Panchayat, Tadola,
Basavakalyan Taluk,
Bidar District.

2. Sri. Bheem Rao,
S/o Hanmath,
Aged about 30 years, working as
Panchayath Development Officer,
Gram Panchayat, Ghorta,
Basavakalyan Taluk,
Bidar District.



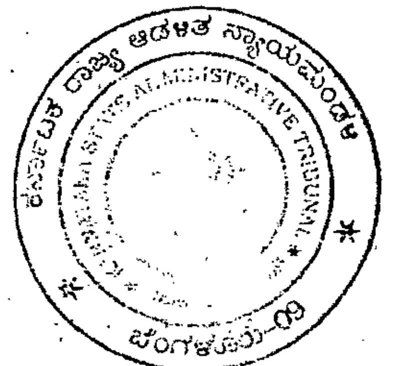
3. Sri. Mallesh,
S/o Maruthi,
Aged about 36 years, working as
Panchayath Development Officer,
Gram Panchayat, Konamelakunda,
Bhalki Taluk,
Bidar District.

4. Sri. Santosh Kumar,
S/o Nagappa Chilla,
Aged about 37 years, working as
Panchayath Development Officer,
Gram Panchayat, Talmadgi,
Humnabad Taluk,
Bidar District.

5. Sri. Mallikarjun,
S/o Bhimsha Sagar,
Aged about 34 years, working as
Panchayath Development Officer,
Gram Panchayat, Sultanabad,
Humnabad Taluk,
Bidar District.

6. Sri. Tippayya Hatti,
S/o Mallayya,
Aged about 48 years, working as
Panchayath Development Officer,
Gram Panchayat, Madkal,
Sedam Taluk,
Kalburgi District.

7. Sri. Mahesh Boroti,
S/o Siddaram Boroti,
Aged about 30 years, working as
Panchayath Development Officer,
Gram Panchayat, Gadilingdalli,
Chincholli Taluk,
Kalburgi District.



8. Sri. Jagannath Reddy,
S/o Chandrashekar,
Aged about 36 years, working as
Panchayath Development Officer,
Gram Panchayat, Dargashiroor,
Aland Taluk, Kalburgi District.

9. Sri. Anilkumar,
S/o Ramachandrappa Manpade,
Aged about 33 years,
Panchayath Development Officer,
Gram Panchayat, Dargashiroor,
Aland Taluk, Kalburgi District. ..**APPLICANTS**

(By Sri M.S.Bhagwath, Advocate for applicants)

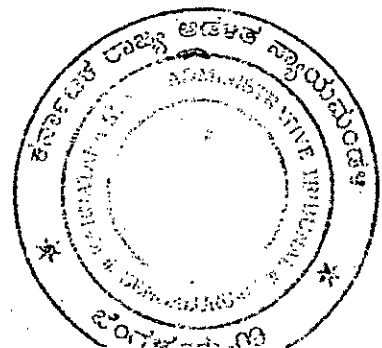
A N D:

1. The State of Karnataka,
Department of Rural Development
and Panchayat Raj,
rep. by its Principal Secretary,
M.S.Buildings,
Bangalore 560 001.

2. The Chief Executive Officer,
Zilla Panchayat,
Bidar District,
Bidar 585 401.

3. The Chief Executive Officer,
Zilla Panchayath,
Kalaburgi District,
Kalburgi 585 101. ..**RESPONDENTS**

(By Sri. Neelakantappa K.Pujar, Government Pleader for respondent-1; Sri N. Praveen Kumar, Advocate for respondent-2 and Sri K.Prasad Hegde, Advocate for respondent-3)



APPLICATION NOs.3204 TO 3224 OF 2014:

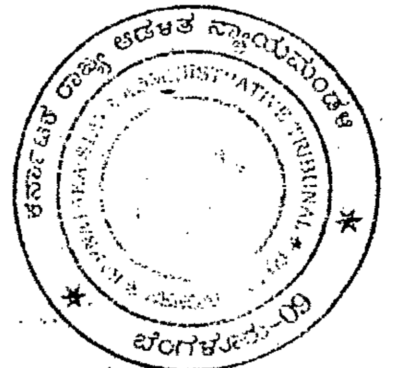
BETWEEN:

1. Sri. C.Shivanna,
S/o Chikka Gurumurthy,
Aged about 32 years, working as
Panchayath Development Officer,
Murugamalla Panchayat,
Chintamani Taluk,
Residing at Murugamalla,
Chintamani Taluk,
Chikkaballapura District 563 125.

2. Sri. V. Suresh,
S/o Venkataramappa,
Aged about 30 years, working as
Panchayath Development Officer,
Hirekattigenahalli Panchayat,
Chintamani Taluk,
Chikkaballapura District,
Residing at Hire Kattigenahalli 563 125.

3. K.Shylaja,
D/o P.Krishnappa,
Aged about 30 years, working as
Panchayath Development Officer,
Batlahalli Panchayat,
Chintamani Taluk,
Residing at Batlahalli 563 125.

4. K.C.Renuka,
D/o N.Chandrappa,
Aged about 32 years, working as
Panchayath Development Officer,
Peramachalahalli Panchayat,
Residing at No.113, Vinayakanagara,
Immadihalli Road,
Whitefield, Bangalore.

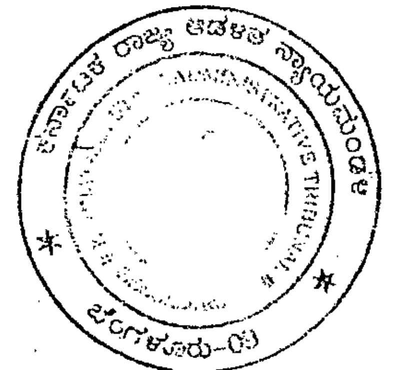


5. Sri. K.R.Manjunath,
S/o Ramasubbanna,
Aged about 30 years, working as
Panchayath Development Officer,
Mastehalli Panchayat,
Residing at Kattiganahalli Village,
Mittahalli Post, Chintamani Taluk,
Chikkaballapura District 563 125.

6. M.K.Kathyayini,
D/o M.Krishnappa,
Aged about 28 years, working as
Panchayath Development Officer,
Mallur Panchayat,
Sidlaghatta Taluk,
Residing at Raja Lakshmi Nilaya,
Melur, Sidlaghatta Taluk,
Chikkaballapura District 562 105.

7. Sri. J.A.Tanvir Ahmed,
S/o J.Abdul Sattar,
Aged about 34 years, working as
Panchayath Development Officer,
E.Thimmasandra Panchayat,
Sidlaghatta,
Residing at 3rd main Road,
Jangamakote,
Sidlaghatta Taluk,
Chikkaballapura District 562 105.

8. G.Yamunarani,
W/o M.Ganesh,
Aged about 34 years, working as
Panchayath Development Officer,
Y.Hunisenahalli Panchayat,
Sidlaghatta,
Residing at Y.hunisenahalli,
Sidlaghatta Taluk,
Chikkaballapura District 562 105.

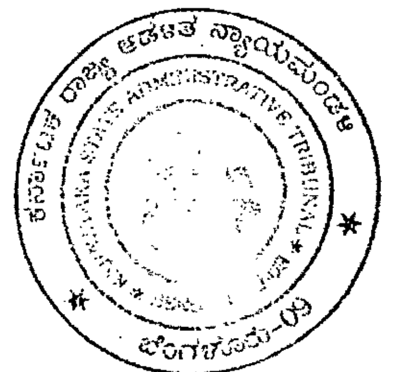


9. S. Mamatha,
W/o Shamanna,
Aged about 28 years, working as
Panchayath Development Officer,
Malluru Grama Panchayat,
Residing at Malluru,
Sidlaghatta Taluk,
Chikkaballapura District 562 105.

10. K.B.Sudhamani,
W/o Basavaraju,
Aged about 30 years, working as
Panchayath Development Officer,
Kondenahalli Panchayat,
Chikkaballapura,
Residing at Kothanur Village & Post,
Sidlaghatta Taluk,
Chikkaballapura District 562 105.

11. Sri. Y. Ramakrishna,
S/o Chikka Yarabanna,
Aged about 30 years, working as
Panchayath Development Officer,
Kundalagurki Panchayat,
Sidlaghatta,
Residing at K.K.Pet,
Bangaru Ramaiah Galli,
Sidlaghatta Taluk,
Chikkaballapura District 562 105.

12. Sri. M.Ramakantha,
S/o Muniyappa,
Aged about 32 years, working as
Panchayath Development Officer,
Bhaktarahalli Grama Panchayat,
Sidlaghatta Taluk,
Residing at Bhaktarahalli,
Sidlaghatta Taluk,
Chikkaballapura District.

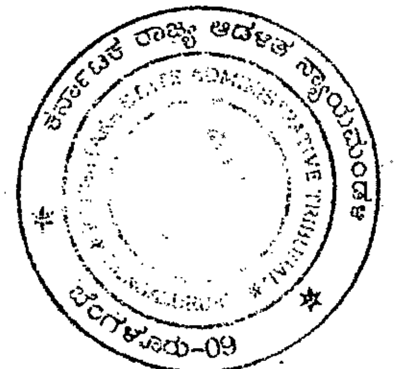


13. Sri. Javeed Jamayadut,
S/o Fakruddin,
Aged about 34 years, working as
Panchayath Development Officer,
Marganukunte Panchayat,
Residing at D.No.202, 8th Block,
Kumbarapet, Bagepalli,
Chikkaballapura District 561 207.

14. Sri. M.Prasannakumar,
S/o P.L.Muniswamy,
Aged about 35 years, working as
Panchayath Development Officer,
Yellampalli Panchayat,
Bagepalli,
Residing at D.No.2640,
Prashanthanagara,
Chikkaballapura District 562 101.

15. Sri. G.V.Narayana,
S/o Venkataramappa,
Aged about 34 years, working as
Panchayath Development Officer,
Chelur Panchayat,
Bagepalli,
Residing at Guttapalya Village,
Thimmapalli Post,
Begapattli Taluk,
Chikkaballapura District 562 107.

16. Sri. Earegowda,
S/o Beerappa,
Aged about 37 years, working as
Panchayath Development Officer,
G.Kottur Panchayat,
Gowribidanur Taluk,
Residing at Guttenahalli,
Nyamagondlu Post,
Gowribidanur Taluk,
Chikkaballapura District 562 101.

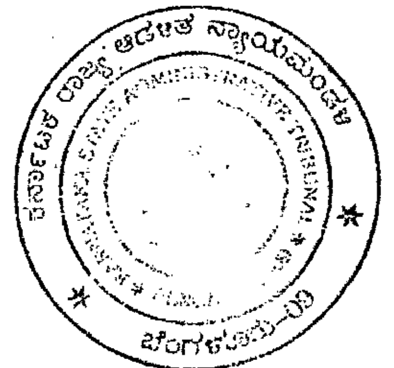


17. Sri. Balakrishna. R.N.,
S/o Narasimhappa,
Aged about 30 years, working as
Panchayath Development Officer,
Muddalodu Grama Panchayat,
Residing at Ramapatna Village & Post,
Gudibanda Taluk,
Chikkaballapura District 562 101.

18. Meenakshi.M.S.,
D/o Devaraja Naik,
Aged about 35 years, working as
Panchayath Development Officer,
Rampur Grama Panchayat,
Gowribidanur Taluk,
Residing at C/o Devaraya Nayak,
Nagaiahreddy Layout,
Gowribidanur,
Chikkaballapura District 562 101.

19. M.S.Vijayalakshmi,
D/o M.S.Srikantharaju,
Aged about 42 years, working as
Panchayath Development Officer,
Chikka Kurugodu Panchayat,
Gowribidanur,
Residing at Chikka Kurugodu,
Gowribidanur Taluk,
Chikkaballapura District 562 101.

20. Pramila C.H.,
W/o Muralidhara L.,
Aged about 38 years, working as
Panchayath Development Officer,
Gangasandra Panchayat,
Gowribidanur Taluk,
Residing at C/o Late Hanumanthappa,
Gundapura, Gowribidanur Taluk,
Chikkaballapura District 562 101.



21. L. Roopa,
D/o Lakshmanareddy,
Aged about 2830 years, working as
Panchayath Development Officer,
Hudaguru Grama Panchayat,
Residing at Guttenahalli,
Nyamagondlu Post,
Gowribidanur Taluk,
Chikkaballapura District 562 101. ..APPLICANTS

(By Sri T.Narayanaswamy, Advocate for applicants)

A N D:

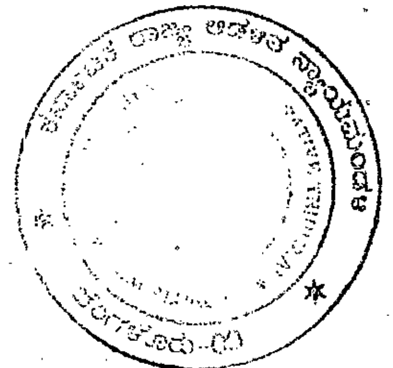
1. The State of Karnataka,
rep. by its Principal Secretary,
Department of Rural,Development
and Panchayat Raj,
M.S.Buildings,
Bangalore 560 001.

2. The Chief Executive Officer,
Zilla Panchayat,
Chikkaballapura District,
Chikkaballapura 562 101.

3. Shiva Kumar,
working as PDO,
Byadarahalli Panchayat,
K.R.Nagara Taluk,
Mysore District 570 001.

4. Satish H.K.,
working as PDO,
Chilakunda Gram Panchayat,
Hunasur Taluk,
Mysore District 570 001.

5. Channappa Pakirappa Rayannanavar,
working as PDO,



Uoodagi Gram Panchayat,
Sedam Taluk,
Gulbarga 585 101.

6. Kuldeep. V.P.,
working as PDO,
Yaliyuru Gram Panchayat,
Mandya Taluk,
Mandya District 571 401.

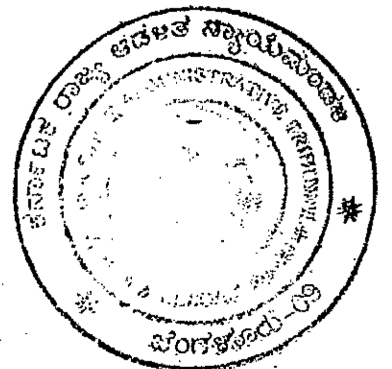
7. Madhuri Mayacheni,
working as PDO,
Shigihalli Shingapura Gram Panchayat,
Hanagal Taluk,
Haveri District 581 110.

8. Karunakara C.S.,
working as PDO,
Halanahalli Gram Panchayat,
Mysore Taluk,
Mysore District 570 001.

9. Mohan Kumar.K.C.,
working as PDO,
Shingrihalli Gram Panchayat,
Harapanahalli Taluk,
Davanagere District 577 001.

10. Lingaraju,
working as PDO,
Mandya Gramanthara Gram Panchayat,
Mandya Taluk and District 571 401.

11. Abdul Nabi,
working as PDO,
Rummanaguda Gram Panchayat,
Chincholi Taluk,
Gulbarga District585 101.



12. Harish.R.,
working as PDO,
Galigenahalli Gram Panchayat,
Tumakur taluk & district 572 101.

13. Ramalingaiah,
working as PDO,
Baby Grama Panchayat Holalu Grama,
Dudda Hobli,
Mandya Taluk & District 571 401. ..RESPONDENTS

(By Sri. Neelakantappa K.Pujar, Government Pleader for respondent-1; Sri B.S.Srikantha, Advocate for respondent-2; M/s.Diwakara Associates, for respondents-6, 10 and 13; respondents-3, 4, 5, 7, 8, 9, 11 & 12 served and unrepresented)

* * * * *

These Applications are filed under Section 19 of the Administrative Tribunals Act, 1985 with a prayer to-

In A.Nos.2259 to 2261/2014 –

(i) to quash the rankings assigned to the applicants and vis-à-vis respondents Nos.4 to 23 in the final seniority list of Panchayat Development Officers prepared and published vide O.M. dated 21.02.2014 of the second respondent vide Annexure-A7 and also the notification dated 28.02.2014 of the first respondent vide Annexure-A9 in so far as it relates to placing the respondents Nos.4 to 23 under independent charge to the cadre of Assistant Director4s (Rural Employment) under Rule 32 of KCSR;

(ii) direct the official respondents to assign appropriate ranking to the applicants by taking into consideration the length of service rendered by them in the cadre of Grama Panchayat Secretary Grade 1 and to include their names in the II Block period commencing from 04.03.2010



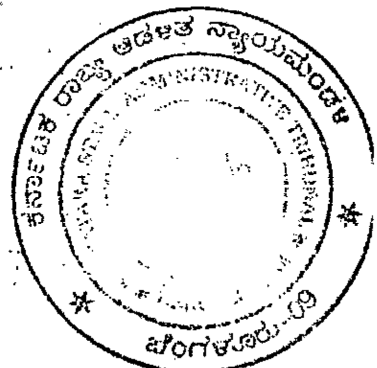
to 04.04.2010 in place of respondents No.4 to 23 and place the said respondents below the applicants;

(iii) consequently consider the claim of the applicants for placing them on independent charge under Rule 32 of KCSR to the cadre of Assistant Director (Rural Employment) w.e.f. the date on which respondent Nos.4 to 23 were place vide Notification dated 28.02.2014 of the first respondent vide Annexure-A9 and to grant all consequential benefits;

(iv) quash the O.M. dated 28.12.2017 of the first respondent vide Annexure-A10 and also the rankings assigned to the applicants vis-à-vis respondent Nos.4 to 23. Consequently issue a writ in the natu5re of mandamus directing the official respondents to assign the appropriate rankings of the applicants in the II Block period commencing from 04.02.2010 to 04.04.2010, and etc.

In A.Nos.2782 to 2792/2014 –

(i) Set aside the seniority list dated 21.02.2014 in the cadre of Panchayat Development Officer in so far as it pertains to rankings assigned to the applicants vis-à-vis the private respondents herein and consequently set aside the promotions granted to private respondents in Notification dated 28.12.2014 by issue of a writ in the nature of certiorari and direct the first respondent herein to treat the applicants on par with the private respondents in granting them date of promotion as is given to the private respondents herein and accordingly review the seniority list dated 21.02.2014 and grant all other consequential benefits including grant of promotion to the applicants to the cadre of Assistant Director, Rural Development and Panchayat Raj, and etc.



In A.Nos.496 to 530/2015 –

(i) to quash, by issue of a writ of certiorari or any other appropriate writ or order the rankings assigned to the applicants and the private respondents in the impugned seniority list dated 21.02.2014 issued by the second respondent vide Annexure-A4 with a further direction to the official respondents to restore the rankings and the date of eligibility assigned to the applicants in the provisional seniority list dated 18.11.2013 vide Annexure-A3 with all consequential benefits, and etc.

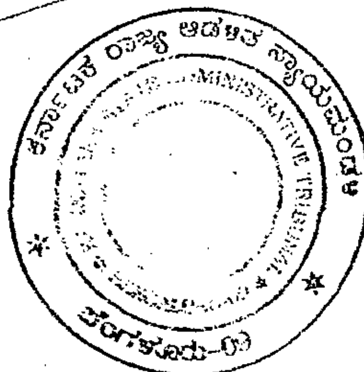
In A.Nos.4658 to 4666/2015 –

(i) to quash the impugned seniority list dated 21.02.2014 issued by the first respondent in so far as ranking assigned to the applicants are concerned (Annexure-A10) and direct the first respondent to assign ranking based on merit, and etc.

In A.Nos.3204 to 3224/2014 –

(i) to set aside the Notification dated 21.02.2014 issued by the first respondent vide Annexure-A12 and Notification dated 19.09.2013 issued by the second respondent vide Annexure-A5 as the same are contrary to law and violative of Articles 14 and 16 of the Constitution of India and to direct the second respondent to prepare the seniority list of PDO's and further to prepare the State wise seniority list, and etc.

These Applications coming on for hearing, before this Tribunal, this day, **Justice A.V.Chandrashekara, Hon'ble Judicial Member**, made the following:

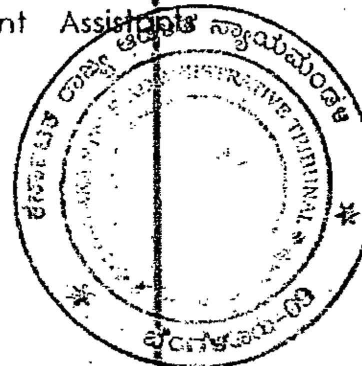


ORDER

Since in all these applications, the final seniority list of Panchayat Development Officers (PDOs) prepared state-wise is called in question, all these applications are taken up together for common disposal, though the dispute is between direct recruits and promotees.

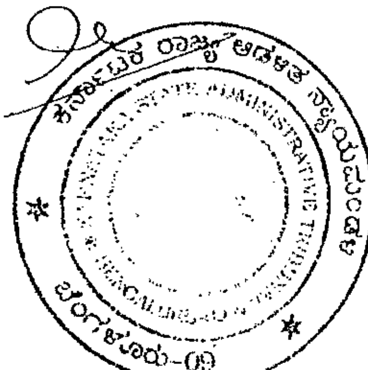
2. The issue revolves around the final state-wise seniority list of PDOs published on 21.02.2014. The consolidated final seniority list of PDOs published on 21.02.2014 is relevant for the purpose of giving promotion to the next cadre, i.e., Assistant Director (Rural Development).

3. The post of PDO is a Group-C post. Each Taluk in the State of Karnataka used to have certain number of officers called as Panchayat Extension Officers (called as 'PEOs' for short) to supervise the activities of Grama Panchayats in their respective taluks. There were in all 529 sanctioned posts of PEOs in the pay band of Rs.8825-16000. The post of PEO was a promotional post from the feeder cadre of Grama Panchayat Secretaries/Rural Development Assistants



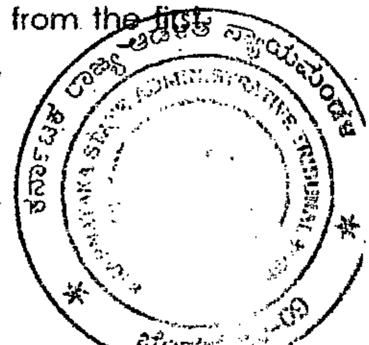
Grade-1. The promotion to the cadre of PEOs was governed by the Karnataka General Services (Development Branch & Local Government Branch) (Recruitment) (Amendment) Rules, 1996, which rules came into force from 19.06.1997.

4. On 31.03.2008, the Government of Karnataka created 5628 posts of PDOs in the pay band of Rs.10,000-18,150. These posts were Group-C posts. On 6.7.2009, the Government issued an executive order in terms of Article 162 of Constitution of India, specifying the manner of recruitment to the posts of PDOs by recruitment, according to which 67% is earmarked for direct recruits and remaining 33% to be filled up by promotion from the cadre of Grama Panchayat Secretary Grade-1/Rural Development Assistants. On 07.07.2009, vacant posts of PEOs were abolished and a new cadre called PDOs was created under Rule 43 of Karnataka Civil Service Rules (KCSR) and the pay of the merged PEOs was protected in the pay band of Rs.10,000-18,150 fixed for PDOs. The post of PEOs was a state-wise cadre and this is evident from the Official Memorandum dated 31.08.2007 under which Grama Panchayat Secretaries Grade-1 were promoted to the cadre of PEOs.



5. A statewise recruitment to the cadre of PDOs was taken up vide recruitment Notification dated 07.07.2009. Though the recruitment of PDOs was a statewise recruitment, the appointment will be made by the respective Chief Executive Officers of each Zilla Panchayat. The first direct recruitment of PDOs was done on 05.04.2010 and the last direct recruitment of PDOs is done on 18.08.2010/31.12.2010. The direct recruitment of PDOs was subject to merit based on the option to choose the concerned district at the time of filing the application for appointment for recruitment itself. The first person reported to duty as per the merit list on 05.04.2010 at Shivamogga and the last direct recruitees were appointed on 31.12.2010 in Bidar, Koppal & some other districts. In between this period, other district CEOs appointed the selected candidates as PDOs as per the quota meant for direct recruits.

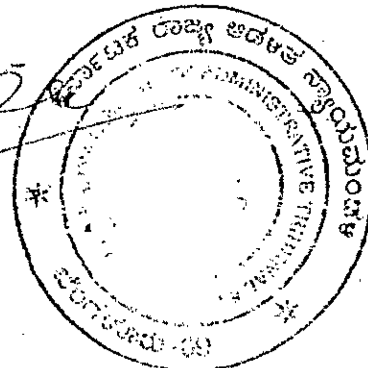
6. The promotional avenue to the cadre of PEOs/PDOs is from the feeder cadre of Grama Panchayat Secretary Grade-I and the 529 posts of PEOs in between the period from 24.11.1995 to 03.03.2010 was expected to be filled up through promotion only as there was no provision for recruiting PEOs directly. Out of 529 posts from the first



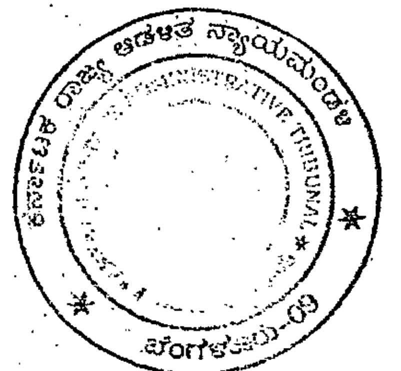
block period between 24.11.1995 and 3.3.2010 and out of 529 sanctioned posts of PEOs in the first block period, only 351 posts had been filled up by promotion and as such 178 posts had remained vacant during the first block period.

7. In the second block period between 04.03.2010 to 04.04.2010, there were 5628 sanctioned posts of PDOs and out of which 3771 were for direct recruitment and the remaining 1506 posts were meant for promotees. Out of the 1857 sanctioned posts earmarked for promotees to the cadre of PDOs, only 533 were filled up during the second block period and hence 973 promotional posts remained vacant.

8. In the third block period between 05.04.2010 to 31.12.2011, 973 unfilled posts of promotional quota were available. Out of the 973 posts which had remained unfilled in the promotional quota during the second block period were carried to the third block period from 05.04.2010 to 31.12.2011 and only 271 posts were filled during the third block period and as such 702 posts meant for promotees still remained unfilled in the third block period.

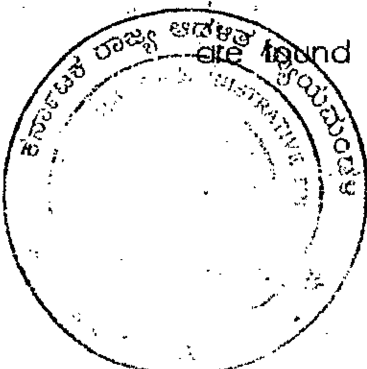


9. Applicants - Sri C. Gopalakrishna, Sri M.S. Chandru and Smt. C.S.Usharani in A.Nos.2259-61/2014 were working as Grama Panchayat Secretaries Grade-I in Chamarajanagar district from 8.10.2003. Private respondents-4 to 23 herein were also working as Grama Panchayat Secretaries Grade-I in various districts, i.e., Chamarajanagar, Bangalore Rural, Chitradurga, Bijapur, Chickmagalur, Davanagere, Bagalkot, Mysore, Dakshina Kannada, Uttara Kannada, Bellary, Bidar and Dharwad districts from different dates, viz., from 12.12.2003 to 27.01.2005. Though they were working in different districts, they were juniors to the applicants in the seniority list of Grama Panchayat Secretaries Grade-I prepared and published for the purpose of promotion to the cadre of Panchayat Extension Officers. This statewise inter-se seniority list of Grama Panchayat Secretaries Grade-I was published on 10.01.2007. The names of the private respondents herein, i.e., in A.Nos.2259-61/2014 were found in the second block period from 04.03.2010 to 4.4.2010. They were promoted as Panchayat Development Officers on 08.03.2010 since their names were found in the second block period.



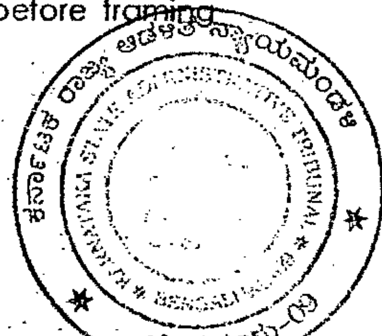
10. Such of those Grama Panchayat Secretaries Grade-I who were promoted to the cadre of PDOs in the second block, were included above the applicants. Private respondents herein were promoted to the cadre of PDOs in their respective districts as the process of promotion was initiated without undue delay; whereas the promotion of the applicants, who were working in Chamarajanagar districts, though was taken up at an early stage by the Chief Executive Officer, Zilla Panchayat, Chamarajanagar district, issuing the promotion order as PDOs was delayed and promotion orders were issued to these applicants on 05.04.2010 by which time third block had already commenced. Though the promotion of these three applicants had been approved by the CEO, ZP, Chamarajanagar, it was deferred because of the ensuing Local Body Elections.

11. Learned Counsel for applicants have filed a memo with five documents on 14.11.2018, which was taken on file. The promotion orders of these three applicants along with some other Grama Panchayat Secretaries Grade-I was approved by the CEO, ZP, Chamarajanagar, on 29.03.2010 itself and the names of the applicants are found in the said OM at Sl.Nos.6, 5 & 4 respectively. After



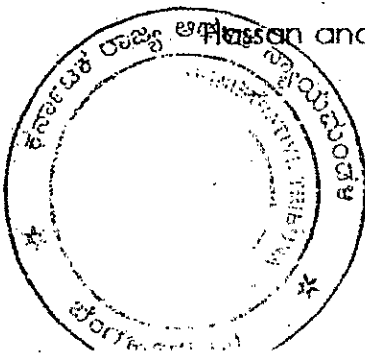
approving the promotion of these three applicants vide OM dated 29.03.2010, the CEO, ZP, Chamarajanagar district had sent the same to the Deputy Commissioner, Chamarajanagar District, on 30.03.2010, stating that the promoted candidates had taken charge in their respective places of posting. But surprisingly, one more Official Memorandum was issued by the same CEO of Chamarajanagar District on 05.04.2010 as per Annexure-A5 posting these applicants and other candidates to work as PDOs.

12. The applicants in A.No.2782 to 2792/2014 were earlier working as Grama Panchayat Secretary Grade-I (for short 'GPS-I'). The State Government issued seniority list in the cadre of GPS-I on 10.01.2017 as on 31.12.2005. The seniority list notified on 10.01.2007 as on 31.12.2005 was done after taking into consideration the seniority in their respective districts According to the applicants, their service particulars had been called for to consider their cases for promotion to the cadre of Panchayat Extension Officers. But the Government in the meantime created 5628 posts of Panchayat Development Officers in the State of Karnataka and recruitment rules were notified on 07.07.2009. The said recruitment rules were pending before framing



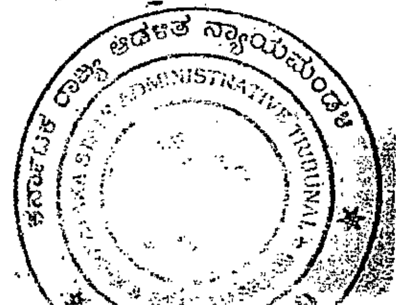
the regulations for the post of PDOs. The draft C & R Rules was notified on 12.06.2009 which underwent many substantial changes and ultimately the C & R Rules were notified on 04.03.2010. Finally, the C & R Rules called "the Karnataka General Service (Development Branch & Local Government Branch)(Recruitment)(Amendment) Rules, 2009 was notified on 04.03.2010. Before the publication of final Notification of Cadre & Recruitment Rules, between 04.03.2010 and 04.04.2010 the Panchayath Extension Officers were promoted in 21 districts to the cadre of PDOs under 33% quota reserved for promotees in accordance with the rules notified in the year 2009. The said promotion was district-wise promotion in terms of the seniority that prevailed in the district.

13. But, in the remaining 9 districts, promotion was not given to employees working in the cadre of Panchayat Extension Officers i.e., out of 9 districts, promotions were given effect to in Mandya, Hassan and Haveri Districts; where these applicants were working as GPS-I. Ultimately, these applicants were promoted to the cadre of PDOs by order dated 07.04.2010, 09.04.2010 and 12.04.2010 relating to Mandya, Hassan and Haveri districts respectively. From 05.04.2010 to 16.08.2010,



few persons were selected as PDOs under direct recruitment quota of 67% and appointment orders were issued to all these persons district-wise. In Mysuru district, appointment orders were issued for the PDOs recruited by way of direct recruitment on 12.04.2010 & on 27.04.2010 in Mandya District and Haveri Districts, on 03.05.2010 in Hassan District and on 16.08.2010 in Gulbarga District. Thus, between 12.04.2010 to 16.08.2010 the PDOs recruited by way of direct recruitment also entered the cadre.

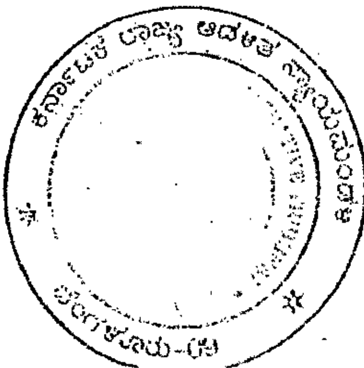
14. In the provisional seniority list of PDOs notified on 05.09.2013 as on 01.01.2011, the seniority of these applicants had been properly shown in terms of rules as district wise seniority had been taken note of. The provisional seniority list dated 18.11.2013 was published and the rankings of these applicants were changed and they were shown lower than that of the private respondents herein and as well as the direct recruits to the cadre of PDO. It is stated that the seniority to the direct recruits is given with effect from 05.04.2010 though they were appointed on 16.08.2010 and thus, the seniority is given to them with retrospective effect i.e., even before their birth in the cadre of PDOs. It is mentioned that the State Government maintained different dates



of entry into service 07.04.2010, 09.04.2010 and 12.04.2010 respectively and a common date is given for private respondents i.e., promotees as 04.03.2010 and direct recruits as 05.04.2010 and therefore, the applicants could not have meted out for different treatment and this treatment is arbitrary.

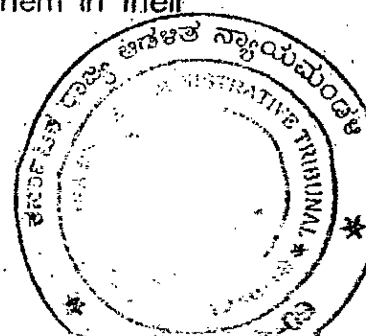
15. The seniority of the applicants in the cadre of GPS-I on 10.01.2007 and their corresponding seniority in the second provisional seniority list of PDOs are in Page-25 of the application and they are as follows:

Names of the applicants	Grade-I Secretary 2005 State seniority list Sl.No.	PDO Seniority list Sl.No.
B.L. Aravindu	625	1958
B.V. Kumar	1014	1984
T. Santhosh	1139	1985
Smt. R. Pramila	1192	1956
Dr. T. Narasimharaju		1955
B. Narayanaswamy		1957
R.S. Rogannanavar	1197	2006
P.L. Nayak	1198	2002
D.B. Harijana		2005
S.S. Yeresime	According to PDO State Seniority List 2014 – retirement	
H.S. Onkaraswamy		1978



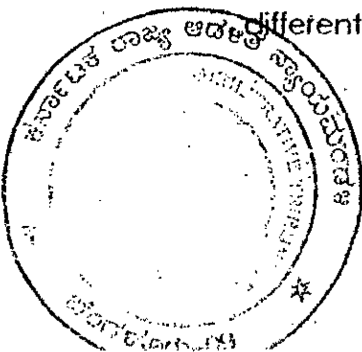
16. It is stated that the Government turned its blind eye to the objections relating to their seniority shown in the second provisional seniority list published on 18.11.2013 and in spite of the same, final seniority list was published on 21.02.2014 and the same is stated to be contrary to law in as much as persons who were not born in the cadre of PDOs are given seniority w.e.f. 05.04.2010. It is submitted that their appointment dates was 16.08.2010. It is stated that as a result of the same, they were pushed down so that they could never get promotion to the higher cadres in spite of their higher ranking in the district-wise seniority. Before publication of the final seniority list of PDOs, the first respondent had called for confidential reports of the private respondents herein to consider their case for promotion to the next cadre and promotion was given to them on 28.02.2014 ignoring the claim of the applicants.

17. The applicants in A.No.496 to 530/2015 are presently working as PDOs. They have been selected as PDOs by direct recruitment pursuant to the Special Rules which came into force on 07.07.2009. The applicants were selected by the selecting authority in the additional list on the basis of the marks secured by them in their



respective districts. But the appointing authority issued the appointment orders to the applicants on different dates i.e., on 01.07.2010, 17.01.2011, 07.02.2011, 05.02.2011, 25.02.2011 and 26.06.2011 respectively. Though the selection was state wise, appointment was district wise and done on different dates by the appointing authority in the respective Zilla Panchayaths. The applicants have completed their probationary period as PDOs satisfactorily. The applicants were not aggrieved by their ranking shown in the provisional seniority list published on 18.11.2013. After receipt of the objections form the aggrieved parties, the final seniority list came to be published on 21.02.2014 in which the applicants have been shown below the private respondents herein and their date of eligibility assigned on 05.04.2010 is changed to 17.01.2011 as per Annexure-A4 dated 21.02.2014. Being aggrieved by the same, the applicants in the present applications have approached this Tribunal.

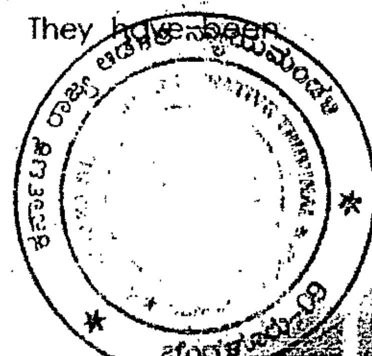
18. The applicants in A.No.4648-4666/2015 and A. 3204-24/2014 are direct recruitees. Though the selection of these applicants is on the basis of merit, the appointment orders were issued to them on different dates by the respective Chief Executive Officers of Zilla



Panchayaths and hence, there was delay in issuing appointment orders. The grievance of the applicants in these applications is that the first respondent has not adopted proper approach while preparing the seniority list and thus persons who had secured lesser marks in the direct recruitment have been shown above the applicants on the basis of their dates of appointment It is submitted that when the PDOs cadre is state-wise post and done by way of direct recruitment district-wise, the CEOs of ZP will prepare and publish the seniority list pertaining to their respective districts. Initially, the names of the applicants were shown properly in the provisional seniority list published on 17.08.2013 as on 11.01.2013. The seniority list is stated to be opposed to principles of natural justice as the applicants have not been heard before pushing them down below others who had secured lesser marks.

A.Nos.4658 to 4666/2015

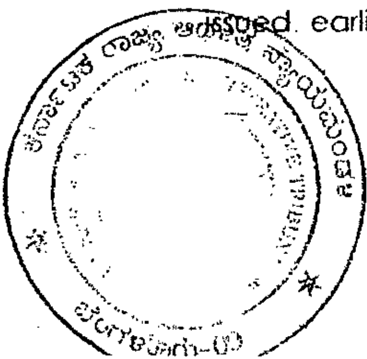
19. Applicants in A.Nos.4658 to 4666/2015 are represented by M/s.Bhagwat Associates and it is submitted that the case of the applicants is that they have been appointed on the basis of sheer merit and marks obtained in the examination. They have been



working in places shown in the case title in Bidar and Kalaburgi districts. The marks obtained by the applicants have been shown against their names in page 5 of A.Nos.4658 to 4666/2014, which is as follows:

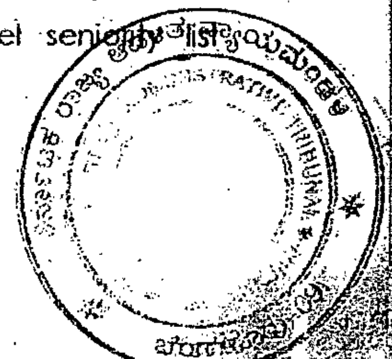
Sl. No.	Name of the Applicant	Marks obtained
1	Sri.Vinay Kumar	87
2	Sri.Bheem Rao	90
3	Sri.Mallesh	86
4	Sri.Santhosh Kumar	90
5.	Sri.Mallikarjun	86
6	Sri.Tippaya Hatti	77
7.	Sri. Mahesh Bori	93
8	Sri.Jannath Reddy	92
9	Sri.AnilKumar	89

20. These applicants were appointed between 11.06.2010, and 31.12.2010 as per appointment orders produced at Annexures A1 to A4, The appointment orders were issued district-wise though the selection was state level on the basis of sheer merit. Further case of the applicants is that before the appointment orders were issued to these applicants by the respective Chief Executive Officers of Zilla Panchayats of Bidar and Kalaburgi, appointment orders came to be issued earlier in other districts to the selected candidates though the



rankings of candidates in other districts were below these applicants in the select list. One such appointment order was issued on 5.4.2010 (it is submitted that the 1st appointment order so issued was in Chikkaballapur district on 22.03.2010). The provisional seniority list of PDOs of Bidar district was published by the Chief Executive Officer of Zilla Panchayat, Bidar as per Annexure A6 dated 17.08.2013. The names of applicants 1 to 5 are found at Sl.No. 90, 84, 85, 89 and 91 respectively. The provisional seniority list of PDOs of Kalaburgi was published by the Chief Executive Officer, Zilla Panchayat, Kalaburgi as per Annexure A7 on 11.11.2013 and the names of the applicants 6 to 9 are found at Sl.Nos. 132, 128, 136, and 129, respectively. The rankings of all these 9 applicants had been shown properly and they had no grievance about the rankings shown in the respective provisional seniority lists published by the Zilla Panchayats of Bidar and Kalaburgi, respectively.

21. Annexure A8 is the final seniority list of PDOs published by the Kalaburgi Zilla Panchayat on 03.04.2014. The names of these applicants had been shown in appropriate places in the said list. The said list was the basis for preparation of the State level seniority list



to give promotions to the next higher cadre. Accordingly, the State Government published State level seniority list of PDOs at Annexure A9 on 18.11.2013. These 9 applicants did not file any objections as their rankings had been properly shown in the provisional gradation list.

22. It appears that some of the PDOs who were aggrieved about their rankings in the provisional select list published vide Annexure A9 had filed their objections. After considering the same, the final seniority list of PDOs was published as per Annexure A10 by the Government on 21.02.2014 and the names of all these applicants had been pushed down. Therefore, these nine applicants are aggrieved by the rankings reflected in the final seniority list of 21.03.2014.

A.Nos.3204 to 3224/2014

23. The applicants in A.Nos.3204 to 3224/2014 are represented by Sri.T.Narayanaswamy, Advocate. They are all working as PDOs in Chikkaballapur district. These applicants were directly recruited as PDOs. Annexure A3 is the final select list dated 10.03.2010 pertaining



to selection of these PDOs. The same is based on merit. Appointment orders in respect of PDOs of Chikkaballapur district was issued as early as on 22.03.2010. Annexure A4 is the final seniority list of PDOs of Chikkaballapur district as on 01.01.2011 published on 10.09.2013. As per the seniority list dated 10.09.2013, PDOs appearing in Sl.Nos. 1 to 16 are promotees and they have been shown above the applicants though their entry into service as PDOs is subsequent to the appointments of these applicants.

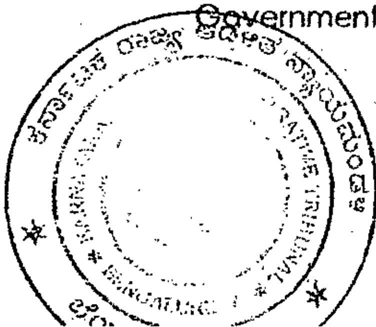
24. The case of the applicants is that though their appointment orders were issued on 22.03.2010 they have been shown below the promotees whose appointment by way of promotions were issued later. The applicants in these cases have impleaded private respondents 3 to 13 who were working as PDOs appointed by way of direct recruitment in their respective districts. The names of these private respondents are shown above the applicants in the State level final seniority list of PDOs published on 21.02.2014 (Annexure A12). The case of the applicants is that though their appointment is earlier to the appointments of the promotes as PDOs in the district wise seniority list, their names have been shown below the



promotees in Chikkaballapur district. The case of the applicants is that the date of appointment is relevant so far as the seniority is concerned and it is governed under Rule 7.A of the Karnataka Civil Servants' (Seniority) Rules 1957.

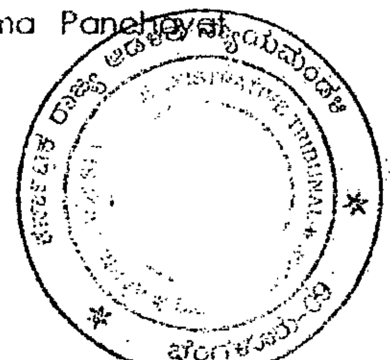
25. Mr. Neelakantappa K. Pujar, learned Government has filed reply statement in A.Nos.2259 to 2261 of 2014. He submits that he adopts the same in other connected cases.

26. The learned counsel Mr. A. Nagarajappa in the above cases has also filed reply and the stand taken in the said reply is identical to the one taken by the Government in its reply filed in A.Nos.2259 to 2261/2014. It is submitted by both of them that as per the Cadre and Recruitment Rules, the Panchayat Development Officer's cadre is a District Cadre and the cadre of the Assistant Director (Rural Employment) is a State wise cadre. It is submitted that the there is provision to give 100% promotion to the cadre of Assistant Director (Rural Employment) from the cadre of PDOs and hence interse seniority list of PDOs is prepared as per Section 7-A of Karnataka Government Servants' (Seniority) Rules, 1957 on the basis of the district-



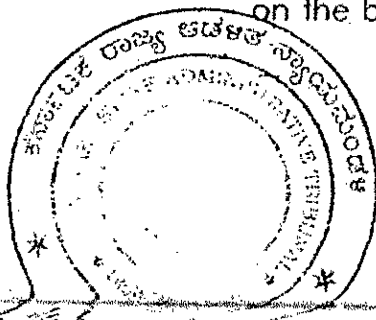
wise seniority list of PDOs prepared by CEOs' of Zilla Panchayat. It is further submitted that the cadre of PDO is filled by both direct recruitment as well as promotion from the cadre of Grama Panchayat Secretary Grade-I and hence the seniority list of Grade-I Panchayat Secretaries is separate from each Zilla Panchayat. It is stated that the applicants and respondents belong to different Zilla Panchayats and hence the claim of the applicants that the respondents are junior to them, is not in correct.

27. It is further submitted that even though these promotees were governed by the Mysore General Service (Development and Local government Branch) Rules, 1962, they were eligible for promotion to the cadre of PEO and that cadre does not exist now in view of the same being abolished vide order dated 07.07.2009. It is further submitted that when the cadre of PEO is abolished with effect from 07.07.2009, the question of promoting the applicants to the said cadre does not arise. It is further submitted that the cadre of PEO is merged in PDOs' cadre and the cadre of PDO is considered as district-wise cadre. It is further submitted that the promotion to the cadre of PDOs is to be made from the cadre of Grade-I Grama Panchayat



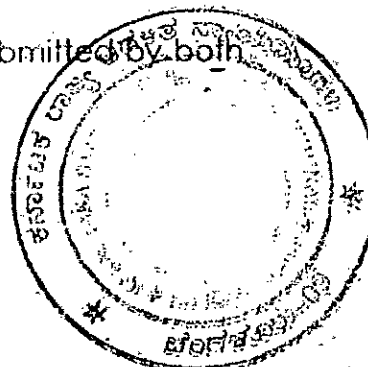
Secretaries in the concerned districts by the respective Chief Executive Officers. It is further submitted that if these applicants are eligible to the cadre of PDOs, the CEO of concerned Zilla Panchayat is the authority to effect the promotion and in accordance with law.

28. The CEO has promoted the applicants to the cadre of PDOs from 05.04.2010. It is further submitted that there is no bias in effecting the promotion. It is submitted that creation or formulation of blocks periods is justified. It is further submitted that respondent Nos.4 to 23 are from different districts and they were in different Districts, and hence PDOs' cadre seniority list and their ranking is also different. It is further submitted that the concerned appointing authorities have prepared their respective District wise seniority lists according to the norms. It is further submitted that the integrated state wise seniority list is prepared on the basis of District seniority list of PDOs'. It is further submitted that the block period is prepared in accordance with the guidelines issued by the DPAR and hence the ranking assigned to the respondents is correct and the same is in accordance with seniority rules. It is further submitted that the integrated list of PDOs' is prepared on the basis of seniority lists obtained from different Zilla Panchayats



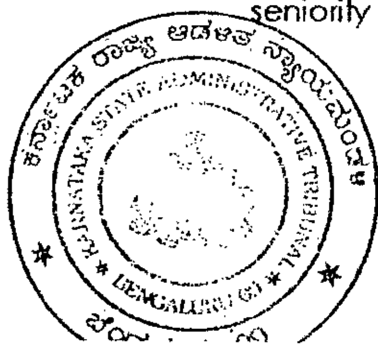
and the seniority is fixed as per Rule 7-A of Karnataka Government Servants' (Seniority) Rules, 1957. With these submissions, they have requested this Tribunal to dismiss the applications.

29. At this stage, Mr. T. Narayanaswamy, the learned counsel representing the applicants in A.No.3204-3224/2014 has relied upon a Division Bench decision of this Tribunal rendered in the case of **Shivanna T.M. & Ors., V. State & Ors.**, [2009 KSLJ 4482] to contend that the abolition of the cadre of Panchayat Extension Officers and merging of the same with that of PDOs vide order dated 07.07.2009 is quashed. It is further submitted by the learned counsel Mr.M.Madhusudhan and Mr. M. Krishnappa that when the abolition of the posts of Panchayat Extension Officers and merging the same with that of PDO's vide order dated 07.07.2009 itself is quashed, the posts of PEOs would remain intact for all the purposes and would continue as it is and therefore the posts of PEOs which were vacant as on 07.07.2009 i.e., upto 04.03.2010 must be notionally filled up through promotion according to the old rules i.e., Karnataka General Services (Development Branch and Local Government) (Recruitment)(Amendment) Rules, 1995. It is further submitted by both



of them that in the light of the same, the post of PEO's must be notionally filled up and only then there will be automatic merger. It is submitted that the merger in the cadre of PDOs according to the latest Cadre and Recruitment Rules which has come into effect from 04.03.2010 in which 33% is earmarked for promotions and remaining 67% for direct recruitment.

30. It is further submitted by both of them that though the selection to the cadre of PDOs is a State-wise selection, the appointment of PDOs is District-wise, since respective Chief Executive Officers of Zilla Panchayat would issue appointment orders. It is further submitted that in the light of the cadre of PDO being district-wise, the district-wise seniority list will have to be prepared in accordance with mandate of Rule-5(1)(a) of Karnataka Government Servants' (Seniority) Rules, 1957. It is further submitted that while preparing the integrated seniority list of PDOs for the purpose of promoting them to the cadre of Assistant Directors (Rural Employment), the same will have to be done in accordance with 7-A of Karnataka Government Servants' (Seniority) Rules, 1957 r/w Rule 5(1)(a). In the light of State-wise integrated seniority list of PDOs' being not prepared and published in



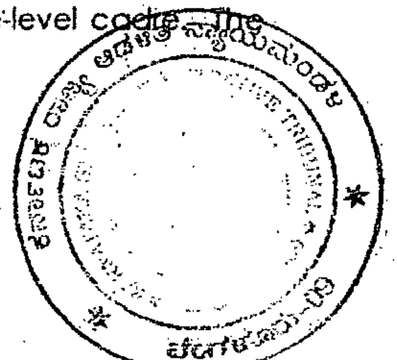
accordance with mandate of Rule-5(1)(a) and Rule 7-A of Karnataka Government Servants' (Seniority) Rules, 1957, the entire seniority list of PDOs prepared at the state level and published on 01.02.2014, is liable to be quashed.

31. It is further submitted that the promotion given to the cadre of Assistant Director (Rural Employment) during the pendency of these applications is subject to the final decision of these applications and even in the final seniority list of the PDOs, there is a mention to that effect. It is further submitted that the promotions have been given to the cadre of Assistant Director (Rural Employment) during the pendency of these applications without there being any seniority list at all.

32. Perused the records and pleadings.

For proper appreciation of facts and to arrive at a just conclusion, the following facts are to be kept in mind.

a) There were in all 529 sanctioned posts of Panchayat Extension Officers and the said cadre of PEOs was a state-level cadre. The

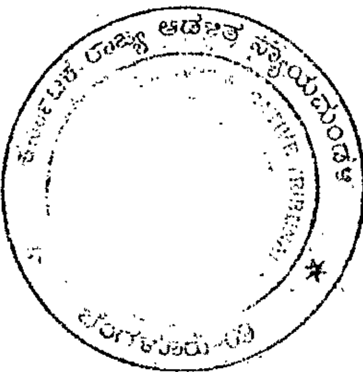


posts of PEOs were promotional posts from the feeder cadre of Grama Panchayat Secretaries Grade-I as per the Karnataka General Services (Development Branch and Local Government Branch) (Recruitment) (Amendment) Rules 1996.

b) Only 351 posts of PEOs out of the total sanctioned posts of 529 had been filled up as on 07.07.2009 the date on which the Government passed an executive order abolishing the post/cadre of PEOs and merging them with the cadre of PDOs.

c) In view of PEO posts being a state-wise cadre, the Department of Rural Development and Panchayat Raj was the competent department to fill-up those posts by way of promotions. However, 178 promotional posts of PEOs were vacant.

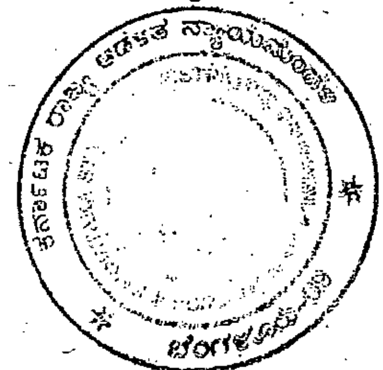
d) On 07.07.2009, an executive order was passed by the Government in terms of Article 162 of the Constitution of India abolishing 178 vacant posts of PEOs and merging them with the cadre of PDOs. Before abolishing the vacant posts of PEOs, 5628



posts of PDOs had been created by the Government vide GO dated 31.3.2008 in the pay scale of Rs.10,000 -18,150.

e) As per GO dated 7.7.2009, all the Chief Executive Officers were directed to fill up the newly created 5628 posts of PDOs. Executive order passed by the Government on 07.07.2009 was called in question before this Court by **Shivanna T.M. & Ors. Vs. State & Others** in A.Nos.2879 to 2901 of 2009 & C.C. Ultimately the applications were allowed and the Government Order abolishing the vacant posts of PEOs and merging them with the cadre of PDOs was quashed on 09.10.2009. The final order passed by this Tribunal on 09.10.2009 is not challenged and it has become final.

f) On 04.03.2010, the Karnataka General Services (Development Branch and Local Government Branch) (Recruitment) (Amendment) Rules, 1996 was amended. As per the amended rules which came into effect from 04.03.2010, 33% of posts of PDOs are earmarked for promotion and remaining 67% are earmarked for direct recruitment. As per the Rules, the post of PDOs are district-wise though selection



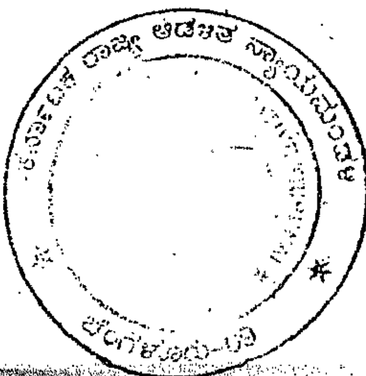
is at state level. As such respective CEOs of Zilla Panchayats are the appointing authorities for PDOs.

33) Out of 529 posts of PEOs, 351 posts had already been filled up and remaining posts got merged with the cadre of PDOs vide Government Order dated 07.07.2009. The said Government Order in so far as it relates to the abolition of the posts of PEOs to be merged with PDOs and prescribing Graduation for promotion from the cadre of Panchayat Secretaries to the cadre of Panchayat Development Officers, was called in question before this Tribunal in A.Nos.2879 to 2901 of 2009. After contest, they were disposed of on 09.10.2009 setting aside the Government Order dated 07.07.2009. The operative portion of the order passed in the case of **Shivanna T.M.** reported in 2009 KSLJ 1482, reads as follows:

" ORDER

(1) The Applications are allowed;

(2) The impugned Government Orders (i) dated 7.7.2009 abolishing the posts of Panchayat Extension Officers and merging the same with that of Panchayat Development



> Officers and (ii) dated 7.7.2009 prescribing the qualification of Graduation for promotion from the cadre of Panchayat Secretaries to the cadre of Panchayat Development Officers are quashed.
>
> (3) The State Government is at liberty to create or abolish any post and prescribe any qualification by following the procedure laid down in the KSCS Act."

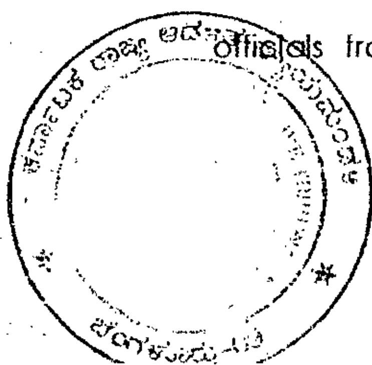
34. The legal effect of the decision rendered by this Tribunal in **Shivanna's** case is that 178 vacant posts got reserved intact for all practical purposes subsequent to 07.07.2009 till the amendment of Rules came into force with effect from 04.03.2010. Therefore, Mr.Madhusudhan and Mr.Krishnappa, learned counsel have argued that the said 178 vacant promotional posts should be notionally filled up in accordance with 1995 Rules. There is a lot of force in the said submission.

35. Though many Gram Panchayat Secretaries Grade-I were eligible to be promoted as against vacant posts of PEOs as on 07.07.2009, the authorities concerned had not taken any steps to fill



up these posts. Subsequently if those posts are abolished, it would cause great injustice and hardship to such of those Gram Panchayat Secretaries. In this regard, Mr.Madhusudhan and Mr.Krishnappa, learned Counsel have relied on the decision rendered by this Tribunal in the case of **Chillarge vs. State and Others** reported in [1992 KSLJ 617].

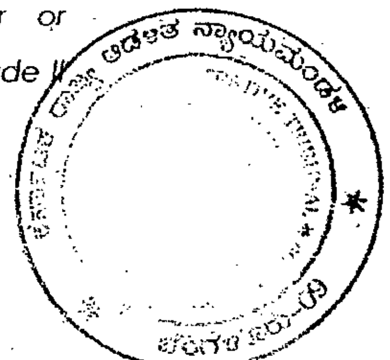
36. The legal consequence of quashing of the order dated 07.07.2009 is that the entire cadre of PEOs was revived and they were notionally intact for all practical purposes till 04.03.2010, the date on which the amended rules came into force. As such there is a lot of force in the arguments advanced by learned counsel Mr.Madhusudhan and Mr.Krishnappa that the remaining posts of PEOs should be notionally filled up and then only merger can take place with effect from 04.03.2010, of course the seniority of PDOs already working by that time, should remain unaltered. Therefore, in this regard, separate exercise has to be made by the Department of Rural Development and Panchayat Raj to ascertain the exact number of vacant posts of PEOs as on 07.07.2009 and also the eligibility of officials from the feeder cadre of Grama Panchayat Secretary



Grade-I for the purpose of promoting them to the cadre of PEOs. If that exercise is not notionally done, as indicated herein, it would minimize the injustice to the eligible Gram Panchayat Secretaries Grade-I.

37. In this regard, the decision rendered by the Hon'ble Apex Court in the case of **Y.V.Rangaiah vs. J.Sreenivasa Rao & Others [1983 SCC (Labour and Services) 383] is** relevant. What is held in para 9 of the said decision is that vacancies which occurred prior to the amendment of rules would be governed by the old rules only and not the amended rules. It is further made clear in regard to the question of identifying the vacancies that occurred prior to the amended rules and subsequent to the amended rules and how they will be governed by old rules and not the new rules. The relevant para.9 is extracted below:

> " 9. *Having heard the counsel for the parties, we find no force in either of the two contentions. Under the old rules a panel had to be prepared every year in September. Accordingly, a panel should have been prepared in the year 1976 and transfer or promotion to the post of Sub.Registrar Grade II*



should have been made out of that panel. In that event the petitioners in the two representation petitions who ranked higher than respondents 3 to 15 would not have been deprived of their right of being considered for promotion. The vacancies which occurred prior to the amended rules would be governed by the old rules and not by the amended rules. It is admitted by counsel for both the parties that henceforth promotion to the post of Sub.Registrar Grade II will be according to the new rules on the zonal basis and not on the state-wide basis and therefore there was no question of challenging the new rules. But the question is of filling the vacancies that occurred prior to the amended rules. We have not the slightest doubt that the posts which fell vacant prior to the amended rules would be governed by the old rules and not by the new rules."

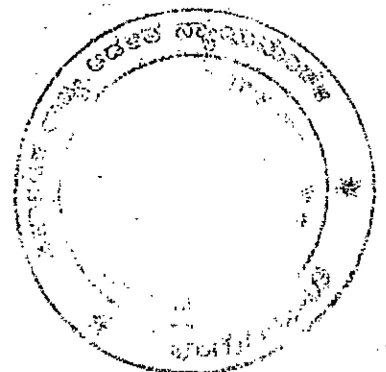
38. What is specifically held by a division bench of this Tribunal in the case of **CHILLARGE vs. STATE & ORS.[1992 KSLJ 617]** is that if promotional vacancies were available, then government is bound to consider the case of eligible candidates in that period when the



vacancies occured and promote them if they are eligible and suitable and not postpone the same by ignoring their seniority and overlooking the claims of those who are entitled to promotional quota. Para 5 of the said decision is relevant and extracted below:

> " 5. *It is therefore clear that the quota rule operates both ways and not only one way in favour of the direct recruits. If promotional vacancies were available . then the Government is duty bound to consider the case of eligible candidates in that period when the vacancies occurred and promote them if they are found eligible and suitable but not postpone the event thereby providing subsequent direct recruits seniority over-looking the claims of these who are entitled to the promotional quota.* "

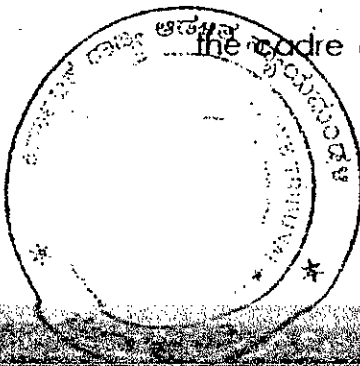
39. It is made clear in para 7 of the said decision that if there is delay in promoting the eligible candidates, grave injustice would be caused to the eligible candidates in the quota meant for them.



40. As rightly pointed out by learned counsel Mr.Madhusudhan and Mr.Krishnappa, the authorities concerned had not taken prompt steps to fill up those vacancies though eligible candidates were available as against the 178 vacant posts of PEOs. This assumes greater importance in the light of promotees anticipating promotions after several years.

41. The first Block period was from 24.11.1995 to 03.03.2010 i.e., one day prior to coming into force of the amended rules. Therefore, the eligible candidates available during this first Block period must be notionally promoted depending upon their eligibility and if such process is done, injustice would be minimized.

42. The second Block period is reckoned from 04.03.2010 the date on which the newly amended rules came into force upto 04.04.2010. In this block period, Grama Panchayat Secretaries Grade-I were promoted to the cadre of PDOs by the respective Zilla Panchayats. As a result of the same, many Gram Panchayat Secretaries Grade-I who were seniors and eligible to be promoted to the cadre of PEOs in the first Block period were denied promotion



and this has caused grave injustice to such persons. This should also be taken notie of by the RDPR department.

43. In the present cases, the grievance of the PDOs who have been promoted from the feeder cadre of Grama Panchayat Secretaries Grade-I is that many of them were eligible for being promoted to the cadre of PEOs before the new rules came into force and this has caused injustice to them. It is further submitted that seniority of the direct recruits of PDOs will have to be reckoned only from the date they were appointed and not before they born in the cadre.

44. At this stage, learned Counsel Sri.Bhagwath.M.S., representing the direct recruits submits that it is for the Government to take a decision as to whether the vacant posts of PEOs are to be notionally filled up or not and this Tribunal cannot give any direction to that effect. For eg. Private respondents were promoted to the cadre of PDOs in their respective district as the process of promotion was initiated without undue delay, whereas the promotion of the applicants working in Chamarajanagar district, though was taken up at an early stage by the Chief Executive Officer, Zilla Panahcyat,



Chamarajanagar district, issuing promotion order as PDOs was delayed because of the intervening local body elections. The decision was already taken to promote them was delayed and promotion orders were issued to those applicants on 05.04.2010.

45. If the vacant posts of PEOs had not been abolished and merged with the PDOs, it would have been something different. In the light of abolition of 178 vacant posts of PEOs and the said order of abolition being set-aside by this Tribunal and the same having become final, the Government is obliged to consider the case of the eligible Grama Panchayat Secretaries Grade-I for notionally promoting them to the post of PEOs. The moment Grama Panchayat Secretaries Grade-I are promoted to the cadre of PEOs, the said posts would automatically merge with the post of PDOs in accordance with the new amended rules.

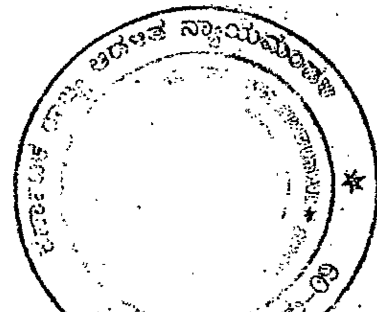
46. In so far as the seniority issue between the direct recruits concerned, it has to be in accordance with Rule 5(1)(a) of the Karnataka Government Servants (Seniority) Rules, 1957. The seniority of such direct recruits will be governed in accordance with the



arrangement of names of candidates found in the select list based on merit. Rule 5(1)(a) of KGS (Seniority) Rules is extracted below:-

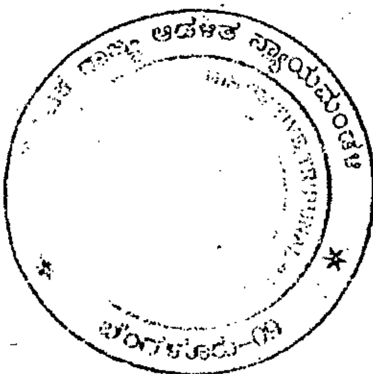
> *"5(1) The decision regarding the seniority of direct recruits to a service or to a class of post shall be made by the Appointing Authority at the time of their first appointment in one of the modes mentioned below.-*
>
> *(a) When the recruitment is made on the result of a competitive examination, the order of seniority will be in the order of merit; ..."*

47. In so far as publication of amalgamation of PDOs state wise list for the purpose of promotion to the posts of Assistant Director (Rural Employment) is concerned, the same would be governed by Rule 7-A of the Karnataka Government Servants' (Seniority) Rules, 1957. Rule 5(1)(a) of KGS (Seniority) Rules, 1957 mandates that decision regarding the seniority of direct recruits to a service or to a class of post shall be made by the Appointing Authority at the time of their first appointment in one of the modes mentioned at clause (a) when the recruitment is made on the result of a competitive examination, the order of seniority will be in the order of merit. In so far as Rule 7-A of



KGS (Seniority) Rules is concerned, seniority inter-se of persons, to be included in the State-wife list of seniority consequent upon the posts included in the district-wise cadres being included in the State-wise cadre, shall be determined by the total length of continuous service of the official in the district-wise cadre from the date of his appointment to such cadre. Rule 7-A of the KGS (Seniority) Rules, 1957 is relevant and is extracted below:-

> "7-A. (1) Subject to the provisions of these rules, seniority inter se of persons, to be included in the State-wise list of seniority consequent upon posts included in the district-wise cadres being included in the State-wise cadre, shall be determined by the total length of continuous service of the official in the district-wise cadre from the date of his appointment to such cadre:
>
> Provided that where two or more persons are appointed to the district-wise cadres on the same date and their total length of continuous service in such cadre is equal, then the inter se seniority of such persons shall be determined by



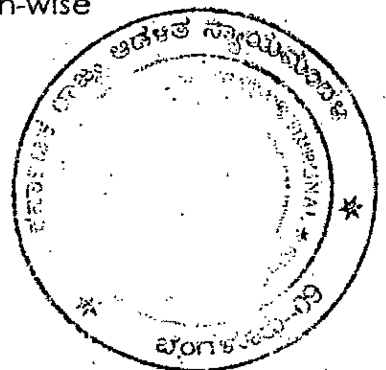
the authority competent to prepare the State-wise list.

(i) where such persons are promoted from a lower cadre, on the basis of their total length of continuous service in the post in the lower cadre from which they were promoted;

(ii) where such persons are directly recruited to the district-wise cadre, on the basis of their relative age, the older in age being considered as senior to the younger.

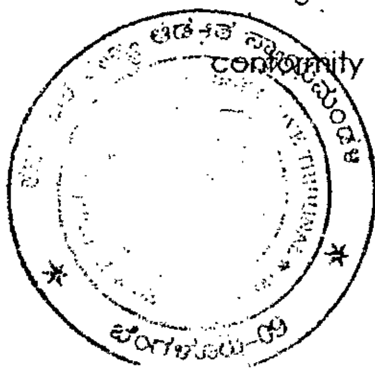
(2) The provisions of sub-rule (1) shall mutasis mutandis apply for the determination of seniority.-

(i) where a Statewise list is prepared consequent upon posts included in Division-wise cadres being included in the State-wise cadre, as if in the said sub-rule, for the words "District-wise cadres", the words "Division-wise cadres" had been substituted;



(ii) where a Division-wise list is prepared consequent upon posts included in District-wise Cadres being included in a Division-wise cadre, as if in the said sub-rule, for the words "State-wise cadre", the word "Division-wise cadre" had been substituted]. "

48. While preparing the State-wise list of seniority of PDOs, the department is duty bound to consider the total length of continuous service in the district-wise cadre from the date of appointment into such cadre. If two or more persons are appointed to the same cadre on the same date, then the inter se seniority of such persons will have to be determined by the authority competent to prepare the State-wise seniority list. Similarly, while preparing amalgamated State-wise seniority list of PEOs also, same Rule 7-A of KGS (Seniority) Rules will have to be made applicable for the purpose of identifying the eligible persons to be promoted to the cadre of PDO from the cadre of Grama Panchayat Secretaries Grade-1. Therefore, in the light of this Tribunal setting aside the executive order dated 07.07.2009 and in the light of the inter se seniority of direct recruits being not in conformity with Rule 5(1)(a) of KGS (Seniority) Rules, and the State-

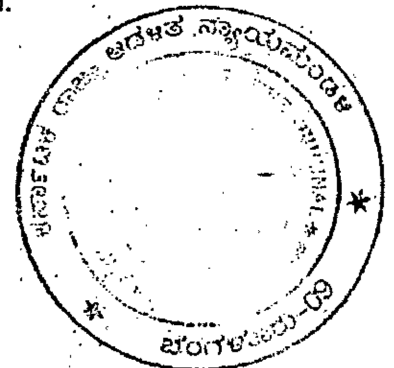


wise list of PDOs being not in conformity with Rule 7-A of the KGS (Seniority) Rules, the entire applications will have to be allowed with a direction to the authorities to re-do the list and also to consider the case of eligible Grama Panchayat Secretaries Grade-1 for notionally filling up the 178 vacant posts of PEOs as on 03.03.2010, the date on which new amended rules came into force.

49. Hence, the following order is passed:-

ORDER

(i) The final gradation list of PDOs published on 21.02.2014 by the Department of Rural Development & Panchayat Raj, stands quashed. Consequently, the gradation list of PDOs prepared and published by the Principal Secretary of RD&PR pursuant to the decision rendered by the Hon'ble Supreme Court in the case of **B.K.PAVITHRA vs. UNION OF INDIA [(2017) 4 SCC 620]** also stands quashed.

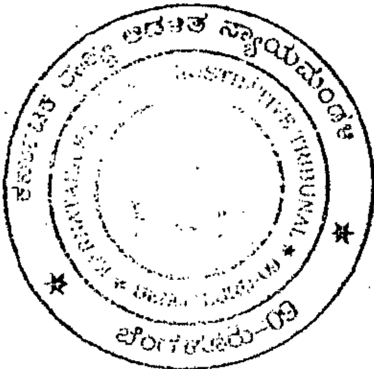


(ii) The respondents shall think of constituting an appropriate committee to consider the issues involved in these cases.

(iii) The department shall consider the case of eligible Grama Panchayat Secretaries Grade-1 for notionally filling up 178 posts of PEO which were vacant as on 03.03.2010, since the new amended rules of PDO came into force on 04.03.2010.

(iv) It is made clear that the quashed seniority lists shall not be acted upon for the purpose of promotion to the next cadre till fresh seniority lists are prepared and published.

(v) It need not be reiterated mandate of Rule 5(1)(a) of KGS (Seniority) Rules to be applied while deciding the inter se seniority between the direct recruits and the Official Memorandum issued by the Government on



05.07.1956 based on the decision rendered in **V.B.Badami's** case.

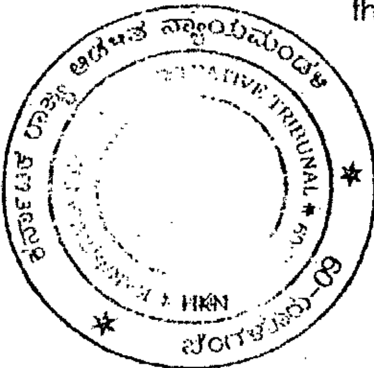
(vi) Promotions already given to some of the PDOs shall not be disturbed till fresh final seniority lists are published.

(vii) The seniority of 178 posts of PEOs to be notionally filled up be kept below the PEOs who automatically became PDOs.

(viii) This exercise shall be done as early as possible, preferably within a time limit of five months from the date of receipt of a copy of this order.

(ix) The applications are allowed in terms of the above conditions.

Sd/-
MEMBER (J)



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Bengaluru - 09
22/3

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